

953 PETITION FOR ZONING VARIANCE 87-50-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to allow a side or rear yard of five feet (5') in lieu of the required thirty (30) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. This triangular shaped lot was created by Baltimore County for the extension of "new" or "relocated" Middleborough Road, and its odd configuration makes it difficult to locate a building without the requested variance.
2. That an additional two foot (2') road widening has been requested by Baltimore County.
3. That without the requested variance the Petitioners will sustain practical difficulty and unreasonable hardship and the requested variance is in harmony with the spirit and intent of the Regulations. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Southern Maryland Oil Corp.
(Type or Print Name)
BY: *[Signature]*
Signature
P.O. Box E.
Address:
LaPlata, Maryland 20646
City and State

Legal Owner(s): Harry P. Lebow and John W. Chester
A Joint Venture Trading As
Back River Neck Association
(Type or Print Name)
BY: *[Signature]*
Signature John W. Chester
(Type or Print Name)
Signature
Address:
9001 Harford Road 661-8300
Parkville, Maryland 21234 E-49,515
City and State

Attorney for Petitioner:
Newton A. Williams, Esquire
(Type or Print Name)
Nolan, Plumbhoff & Williams
(Type or Print Name)
[Signature]
Signature
204 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-7800
Address:
7900 Sutherland Court 437-8036
Pasadena, MD 21122
City and State Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of June, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of August, 1986, at 10:00 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 21, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 21, 1986.

THE JEFFERSONIAN,
[Signature]
Publisher

Cost of Advertising
22.00

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE *
NE/S Back River Neck Road, * DEPUTY ZONING COMMISSIONER *
cor. NW/S of Middleborough Rd. * OF BALTIMORE COUNTY *
15th Election District * Case No. 87-50-A *
Back River Neck Assoc., et al *
Petitioners *

The Petitioners herein request a variance to allow a side or rear yard setback of 5 feet in lieu of the required 30 feet to construct a convenience food store.

Testimony on behalf of the Petitioners and contract purchaser indicated that the triangular shaped site was created approximately two years ago when Baltimore County acquired a right-of-way for the Middleborough Road extension. The proposed building will be utilized as a convenience food store open 24 hours a day, 7 days a week.

There were no Protestants.

By letter dated August 7, 1986 to the Zoning Commissioner, the Baltimore County Department of Traffic Engineering requested that three parking spaces be eliminated or relocated.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of August, 1986, that the herein request for a variance to allow a 5-foot side or rear yard setback to construct a convenience food store, in accordance with the plan prepared by Kidde Consultants, Inc., dated March 31,

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 19, 1986

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Intersection of the NE/S of
Back River Neck Road and the
corner of the NW/S of
Middleborough Road
15th Election District
Case No. 87-50-A

Dear Mr. Williams:

Please be advised that your request for a zoning variance in the above referenced Petition has been granted, with restrictions, in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
[Signature]
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjjs

Attachments

cc: Southern Maryland Oil Corporation
c/o Mr. Kenneth Beach
7900 Sutherland Court
Pasadena, Maryland 21122

People's Counsel

KIDDE CONSULTANTS, INC.

Subsidiary of Kidde, Inc.

DESCRIPTION
0.509 ACRE, MORE OR LESS, PARCEL
NORTHEAST CORNER BACK RIVER NECK ROAD AND
PROPOSED MIDDLEBOROUGH ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

THIS DESCRIPTION IS FOR A YARD VARIANCE IN A "BR" ZONE.

BEGINNING FOR THE SAME on the east side of Back River Neck Road and at the end of the fillet line connecting the north side of the proposed Middleborough Road with said east side of Back River Neck Road, said point of beginning being North 34 degrees 48 minutes 39 seconds West 60.00 feet, more or less, from the centerline extended of Middleborough Road, thence binding on the east right of way line of Back River Neck Road (1) North 34 degrees 48 minutes 39 seconds West 66.54 feet, (2) northerly by a curve to the left with a radius of 5,759.58 feet with an arc distance of 100.05 feet and a chord bearing of North 35 degrees 18 minutes 30 seconds West 100.04 feet, thence (3) South 84 degrees 55 minutes 24 seconds East 299.17 feet to intersect the north side of said Middleborough Road, thence binding on said Middleborough Road the following four courses and distances, (4) by a curve to the right with a radius of 470.00 feet with an arc distance of 58.84 feet and a chord bearing of South 51 degrees 36 minutes 10 seconds West 58.84 feet, (5) South 55 degrees 11 minutes 21 seconds West 140.00 feet, (6) North 34 degrees 48 minutes 39 seconds West 10.00 feet, (7) South 55 degrees 11 minutes 21 seconds West 10.00 feet to the beginning of the

0.509 Acre Parcel
Back River Neck Road
Proposed Middleborough Road
Page Two

fillet line connecting said Middleborough Road with said Back River Neck Road, thence binding on said line North 81 degrees 21 minutes 29 seconds West 27.55 feet to the place of beginning.

CONTAINING 0.509 acre of land, more or less.

RLS/aeb KCI Job Order No. 01-86040A May 12, 1986



PETITION FOR ZONING VARIANCE

15th Election District

Case No. 87-50-A

LOCATION: Northeast Side of Back River Neck Road, Corner Northwest Side of Middleborough Road

DATE AND TIME: Tuesday, August 12, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side or rear yard setback of 5 feet in lieu of the required 30 feet

Being the property of Back River Neck Association, et al, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
NE/S Back River Neck Rd.
Corner NW/S of Middleborough
Rd., 15th District
BACK RIVER NECK ASSOCIATION,
et al., Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-50-A
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates or
other proceedings in this matter and of the passage of any preliminary
or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2183

I HEREBY CERTIFY that on this 17th day of July, 1986, a copy
of the foregoing Entry of Appearance was mailed to Newton A. Williams,
Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Peti-
tioners; Southern Maryland Oil Corp., P. O. Box E, LaPlata, MD 20646,
Contract Purchaser; and Kenneth Beach, 7900 Sutherland Ct., Pasadena,
MD 21122, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Newton A. Williams, Esquire
Nolen, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
July 7, 1986

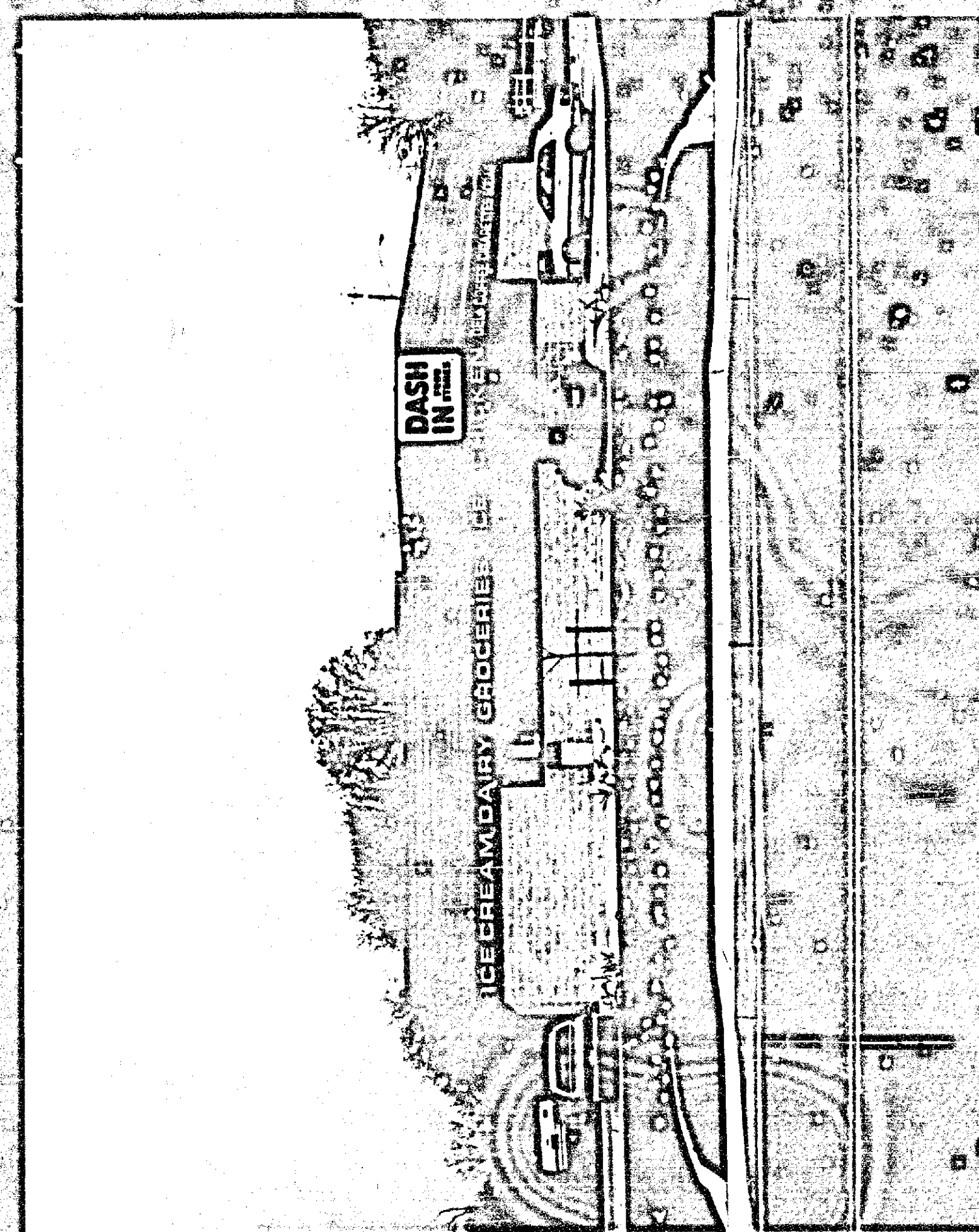
NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Rd., cor. NW/S of
Middleborough Rd.
15th Election District
Back River Neck Association, et al - Petitioners
Case No. 87-50-A

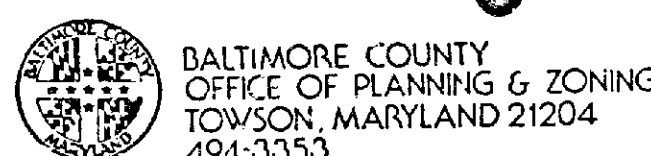
TIME: 10:00 a.m.
DATE: Tuesday, August 12, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. C21687
DATE 7/6/86 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM Nolan Plumbhoff & Williams
FOR Variance # 453
Lobow/Christen
B012*****10000014 8058F
VALIDATION OR SIGNATURE OF CASHIER



PETITIONER'S
EXHIBIT 6a



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JARLON
ZONING COMMISSIONER
JENNIFER M. HUNG
DEPUTY ZONING COMMISSIONER

August 5, 1986

Newton A. Williams, Esquire
Nolen, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Rd., cor. NW/S of
Middleborough Rd.
15th Election District
Back River Neck Association, et al - Petitioners
Case No. 87-50-A

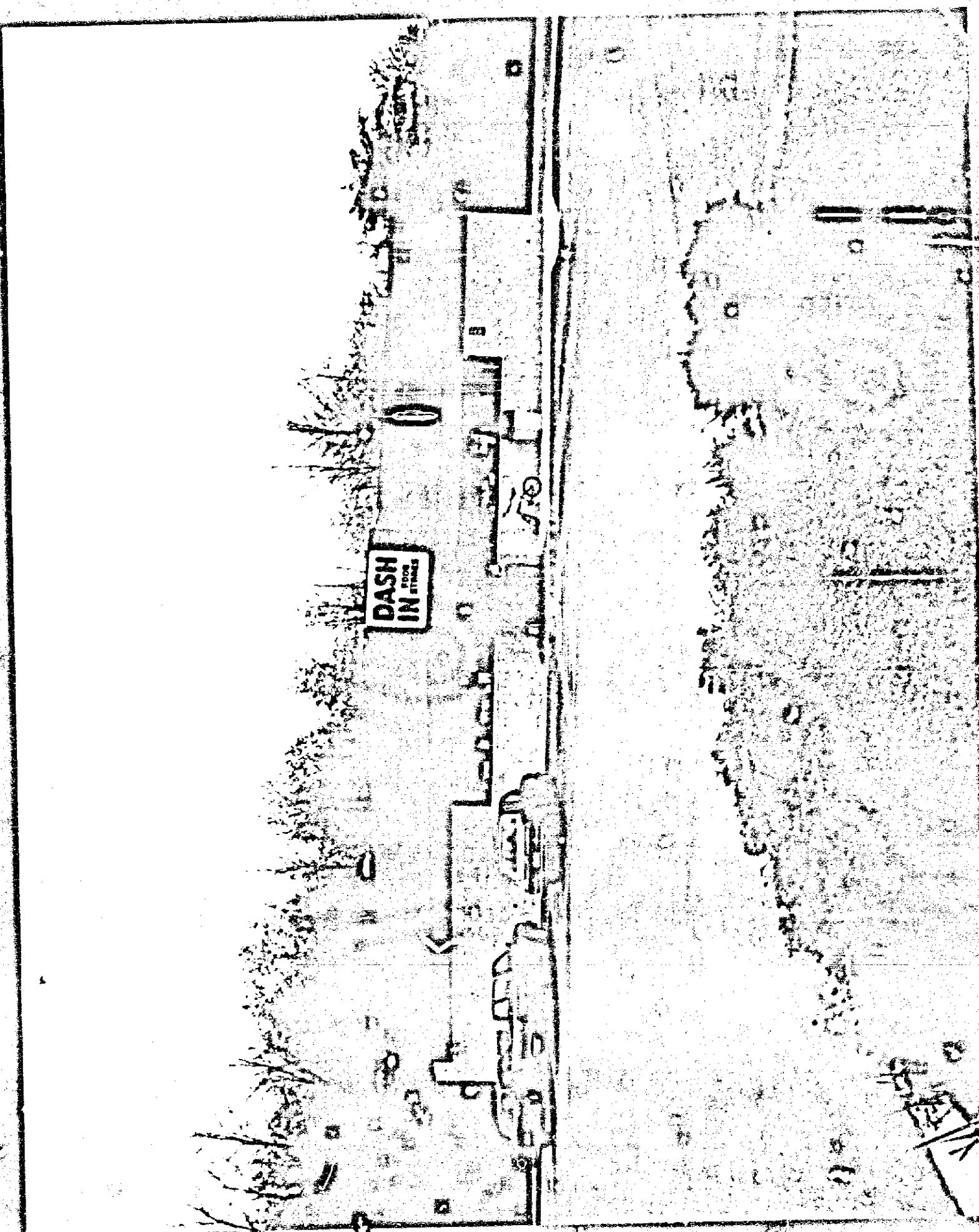
Dear Mr. Williams:

This is to advise you that \$58.65 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit
to Zoning Office, Room 113, County Office Building, Towson, Maryland
21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. C21818
DATE 8/12/86 ACCOUNT 01-615-000
SIGN & POST RETURNED
AMOUNT \$ 58.65
Newton A. Williams, Esquire, 204 W. Pennsylvania Ave.,
Towson, Md. 21204
RECEIVED FROM
ADVERTISING & POSTING RE CASE 87-50-A
FOR R012*****586514 2128F
VALIDATION OR SIGNATURE OF CASHIER



Petition for Zoning
Variance
15th Election District
Case No. 87-50-A
LOCATION: Northeast Side of
Back River Neck Road, Corner North-
west Side of Middleborough Road.
DATE & TIME: Tuesday, August
12, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 West
Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of Baltimore
County, by authority of the Zoning
Act and Regulations of Baltimore
County, will hold a public hearing
on the petition for Zoning Variance to per-
mit a side or rear yard setback of 5 feet
in lieu of the required 30 feet.
Being the property of Back River
Neck Association, et al, as shown on
plat plan filed with the Zoning Office.
In the event that this Petition is
granted, a building permit may be in-
sued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request
for a stay of the issuance of said per-
mit during this period for good cause
shown. Such request must be received
in writing by the date of the hearing
set above or made at the hearing.
By Order Of
Arnold Jarlon
Zoning Commissioner
of Baltimore County

The Times
Middle River, Md., July 24, 1986
This is to certify that the annexed
Petition - Back River Neck
Reg. 2 92709
was inserted in the Times, a newspaper printed
and published in Baltimore County, once in each
of two successive
weeks before the 24th day of
July, 1986.
Jesse B. Day Publisher.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th
Posted for: Variance
Petitioner: Back River Neck Association, et al.
Location of property: NE/S Back River Neck Rd., cor. NW/S of Middleborough Rd.
Location of Signs: Four (4) signs (one) Back River Neck Rd. & Middleborough Rd., near intersection, NW/S of Back River Neck Rd. & Middleborough Rd.
Remarks: Indicated on Plat
Posted by: [Signature] Date of return: 7/11/86
Number of Signs: 4

87-50-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of July, 1986.

[Signature]
ARNOLD JARLON
Zoning Commissioner

Petitioner Back River Neck Association Received by: Jesse B. Day
Petitioner's et al Chairman, Zoning Plans
Attorney Nathan Williams, Esquire Advisory Committee

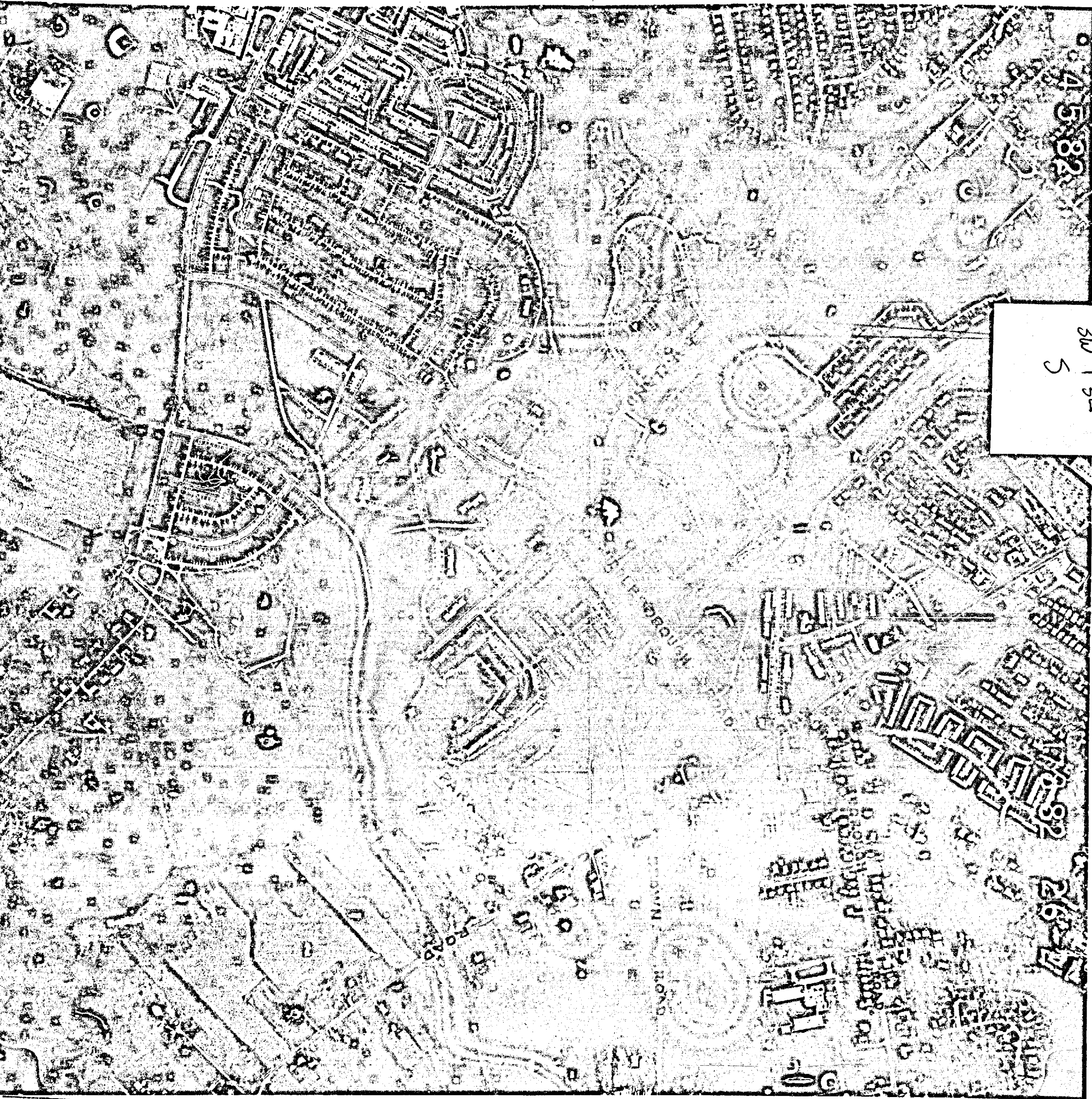


EXHIBIT A
PETITIONER'S

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-50-A

Date: July 21, 1986

This office has a general concern with the development of these types of parcels of land i.e., small, irregularly shaped "left-over" parcels of land at major road intersections. It would seem that when the intersections are improved, either these resulting parcels should be purchased and retained by the County or State, or, if purchased for construction, should not be sold later as "left-overs".

Norman E. Gerber for J. H. Jung
Norman E. Gerber, AICP
Director

NEG:JGH:sml

CPS-008

LEVIN, GANN & HANKIN, P.A.

Ms. Jean M. H. Jung
Deputy Zoning Commissioner

Page 2
January 30, 1987

Re: Petition for Zoning Variance
Intersection of Northeast Side of Back River Neck Road
and the Corner of the Northwest Side of Middleborough Road
Case No. 87-50-A

After both you and I have spoken with Greg Jones of the Department of Traffic Engineering, we have been advised that the extension and development of Middleborough Road in this area is the subject of a capital improvement program item for construction in the 1987-88 fiscal year.

My client and the contract purchaser stand ready willing and able and will provide for access to Back River Neck Road and to the future extension of Middleborough Road when construction begins and the property is developed and will enter into Public Works Agreement with Baltimore County for contribution toward the costs of construction of the roadway adjoining their property.

As time is of the essence, it is imperative that the contract purchaser be assured that they be able to secure the necessary building permits to meet the requirements of your aforesaid Order. Therefore, I request that you advise me, in accordance with our discussions, that the contract purchaser will be complying with your Order by providing for the access from the subject site to Middleborough Road and be able to secure the necessary building permits to move forward and the Department of Planning and Zoning acknowledge that by providing for said access and entering into the required Public Works Agreement that building permits will in fact be issued.

Your earliest reply would be greatly appreciated.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL:isp

cc: Mr. Kenneth Beach
Southern Maryland Oil Corporation
P. O. Box E
La Plata, MD 20646

Mr. John W. Chester
9001 Harford Road
Baltimore, Maryland 21234

Sidney Weiman, Esquire

FEB 2 1987

RECEIVED
ZONING OFFICE

LEVIN, GANN & HANKIN
LAW OFFICES
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301 321 0000

January 30, 1987

Ms. Jean M. H. Jung
Deputy Zoning Commissioner
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Intersection of Northeast Side of Back River Neck Road
and the Corner of the Northwest Side of Middleborough Road
15th Election District
Case No. 87-50-A

Dear Ms. Jung:

As you are aware, an Order was issued by you on August 19, 1986 granting a variance to side and/or rear yard setback with regard to the above captioned property subject to certain restrictions. Pursuant to my inquiry of you within the last few weeks, my client, who is the legal owner of the property at this time, has asked that I secure from you an interpretation of the Order, in particular with regard to Restriction No. 2:

"2. The occupancy permit shall not be issued until both access driveways to the property are provided."

Pursuant to my inquiry, you have examined the file and have visited the site and have consulted with Mr. Greg Jones of the Department of Traffic Engineering regarding the status of Middleborough Road.

At the time of the hearing, and for a period of time thereafter, Baltimore County, my clients and the contract purchaser, and the contract purchaser's engineer, Kidd Consultants, Inc., have all been under the impression that the area designated as the proposed Middleborough Road as it binds upon the subject property was owned by Baltimore County. Subsequently, it was determined that the area in fact does not belong to Baltimore County and belongs to a former property owner from whom my client purchased the subject property. Therefore, while my client will provide access driveways both Middleborough Road and Back River Neck Road, the access driveway to the proposed Middleborough Road would not be effective until such time as Baltimore County acquired to the roadway.

NOLAN, PLUMHOFF & WILLIAMS
LAW OFFICES
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7600

October 6, 1986

Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Back River Neck Associates
Southern Maryland Oil Site
Back River Neck Road at
New Middleborough Road
Case No. 87-50-A

Dear Commissioner Jung:

On behalf of both my clients and our office, as well as myself, thank you for your Opinion and Order dated August 19, 1986 in this matter.

As you will recall from our office conference on September 5, 1986, one of your conditions in the Order involved a revision of "the dumpster site, its screening, the walkway to the rear delivery door."

At the time of our conference on September 5th I submitted a revised Kidd plat dated August 26, 1986, which opened up the northeast corner of the site for sidewalk access with a pedestrian gate as you requested. If you need additional plats, call me.

Of course, as far as the dumpster screening is concerned, this will be done pursuant to the approval of fencing by the Current Planning Office as a part of the building permit process.

Also, we are sure that the Department of Traffic Engineering will participate in that process as well as to the parking configuration on the site.

RECEIVED
OCT 8 1986
ZONING OFFICE
OF BALTIMORE COUNTY
RALPH F. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2100
RUSSELL J. WHITE

ALSO ADMITTED IN D.C.



1. SITE AREA = 0.509 AC. (22,162 sq. FT.) GROSS
SITE AREA = 0.023 AC. (33,035 sq. FT.) NET = 0.50 AC.
2. EXISTING ZONING OF SITE "BR"
3. EXISTING USE OF TRACT "VACANT LAND"
4. PROPOSED USE OF TRACT "CONVENIENCE
FOOD STORE"
5. OFF STREET PARKING DATA :
 - A. TOTAL FLOOR AREA = 2100 sq. FT.
REQUIRING 120 SPACES (1/200') = 11
 - B. PROPOSED PARKING = 185 SPACES (INCL 1 H.C.)
6. PUBLIC UTILITIES EXIST AT THE SITE.
7. SITE IS LOCATED IN THE BACK RIVER NECK
DRAINAGE AREA.
8. PETITIONER IS REQUESTING A VARIANCE
TO SECTION 230.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS TO ALLOW
A REAR YARD SETBACK OF 5' INSTEAD
OF 30' (A VARIANCE OF 25') SEE REASON FOR VARIANCE
9. LANDSCAPING OF THE SITE WILL BE IN
CONFORMANCE WITH THE BALTIMORE CO.
LANDSCAPE MANUAL
10. TRASH COLLECTION WILL BE BY A
PRIVATE COLLECTOR.
11. FLOOR AREA RATIO : (GROSS SITE AREA)
 - A. ALLOWED = 71,670 sq. FT. (2.0 x 35,835)
 - B. PROPOSED = 0.061 (2100 / 35,835)

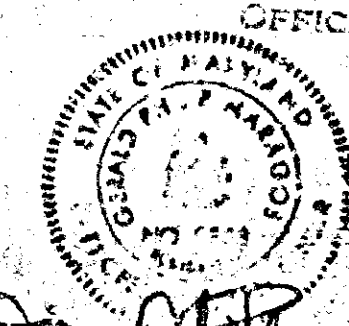
See Lichter 1/30/87 letter
JMWG 2/3/87

PETITIONER'S
EXHIBIT

453
1 sign
87-50

REASON FOR VARIANCE
THE PURPOSE OF THIS VARIANCE IS TO ALLOW A REAR YARD SETBACK OF 5' INSTEAD OF THE REQUIRED 30' DUE TO THE SIZE AND CONFIGURATION OF THE LOT, THE ADDITIONAL WIDENING OF MIDDLEBOROUGH ROAD AS REQUESTED BY BALTIMORE COUNTY AND ALSO TO OBTAIN THE PROPER NUMBER OF OFF-STREET PARKING SPACES WITH SUFFICIENT MANEUVERING AREA.

OFFICE COPY



Isaiah Thompson

DATE	REVISIONS	KIDDE CONSULTANTS, INC. LAND PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS 1030 CROMWELL BRIDGE ROAD, TOWSON, MARYLAND 21204, 301-321-5500	DEED REFERENCE E.H.K. JR. 6975/323	ELECTION DISTRICT 18 COUNCILMANIC DIST. 5 CENSUS TRACT 4509 ACCOUNT N°	PLAT TO ACCOMPANY PETITION FOR YARD VARIANCE VICINITY NORTHEAST CORNER BACK RIVER NECK ROAD & MIDDLEBOROUGH RD.	SHEET OF 1	DATE 3/31/86 SCALE 1" = 20'	JOB NUMBER K.C.I. 86-240
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Honorable Jean M. E. Jung
October 6, 1986
Page 2

Since September 5, 1986 we have not heard further from your office with regard to this revised site plan. We assume that it is basically acceptable. However, if you or any department head has any questions or comments, please do not hesitate to contact this office, Mr. Richard L. Smith at Kidde, and/or Mr. Ken Beach at Southern Maryland Oil.

Thanking you and your staff for your attention to this matter, I am with best regards.

Sincerely,
Newton

Newton A. Williams

NAW:ylm

cc: Mr. Ken Beach
Mr. Richard L. Smith

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 17, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Department of Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 453 - Case No. 87-50-A
Petitioner: Back River Neck Association
et al
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Kidde Consultants
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 453, Zoning Advisory Committee Meeting of 6/17/86

Property Owner: BACK RIVER NECK ASSOC./JOINT VENTURE

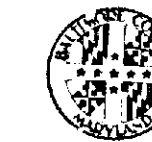
Location: NE/S BACK RIVER NECK RD., COR. NW/S MIDDLEBOROUGH RD. District 15th

Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. For additional information, contact Bill Clark, AT 494-3370.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204-2586
494-4100

PAUL H. REINCKE

June 24, 1986

Mr. Arnold Jablon,
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Back River Neck Assoc./Joint Venture

Location: NE/S Back River Neck Rd., corner NW/S Middleborough Road

Item No.: 453

Zoning Agenda: Meeting of 6/17/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

RECEIVED
AUG 11 1986

ZONING OFFICE

August 7, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item #453

Dear Mr. Jablon:

The three employee parking spaces at the southeast corner of the site need to be eliminated or relocated to provide improved sight distance on the inside of the curve of proposed Middleborough Road.

Very truly yours,

Gregory M. Jones
Gregory M. Jones
Traffic Engineer II

GJM:lt



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-4100

TED ZALESKI, JR.
DIRECTOR

July 24, 1986

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #453 Zoning Advisory Committee Meeting are as follows:

Property Owner: Back River Neck Association/Joint Venture
Location: NE/S Back River Neck Road, corner NW/S Middleborough Road
District: 15th

APPLICABLE ITEMS ARE CIRCLED:

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-86, the Maryland Code for the Handicapped and Aged (A.S.B.I. #117-1 - 1980) and other applicable Codes and Standards.
- (X) A Building and other miscellaneous permits shall be required before the start of any construction.
- (X) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered or Licensed Architect or Engineer is not required on plans and technical data.
- (X) Commercial: Three sets of construction drawings sealed and signed by a registered or Licensed Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

NOTE: (X) All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.

(X) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact the Department.

(X) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

(X) When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.

(X) The proposed project appears to be located in a Flood Plain. Please see the attached copy of Section 514.2 of the Building Code as adopted by the Full Council of May 1986. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

(X) Comments: Open protectives on the north side may be required. See Section 1111.2.

(X) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

4/21/86

Zoning Item # 453 Zoning Advisory Committee Meeting of 6/17/86
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
{ } The results are valid until _____
{ } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until _____
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

July 14, 1986

RE: Zoning Advisory Meeting of June 17, 1986
Item # 453 BACK RIVER NECK ASSOC./JOINT VENTURE
Location: NE/S BACK RIVER NECK RD., CORNER NW/S MIDDLEBOROUGH RD.

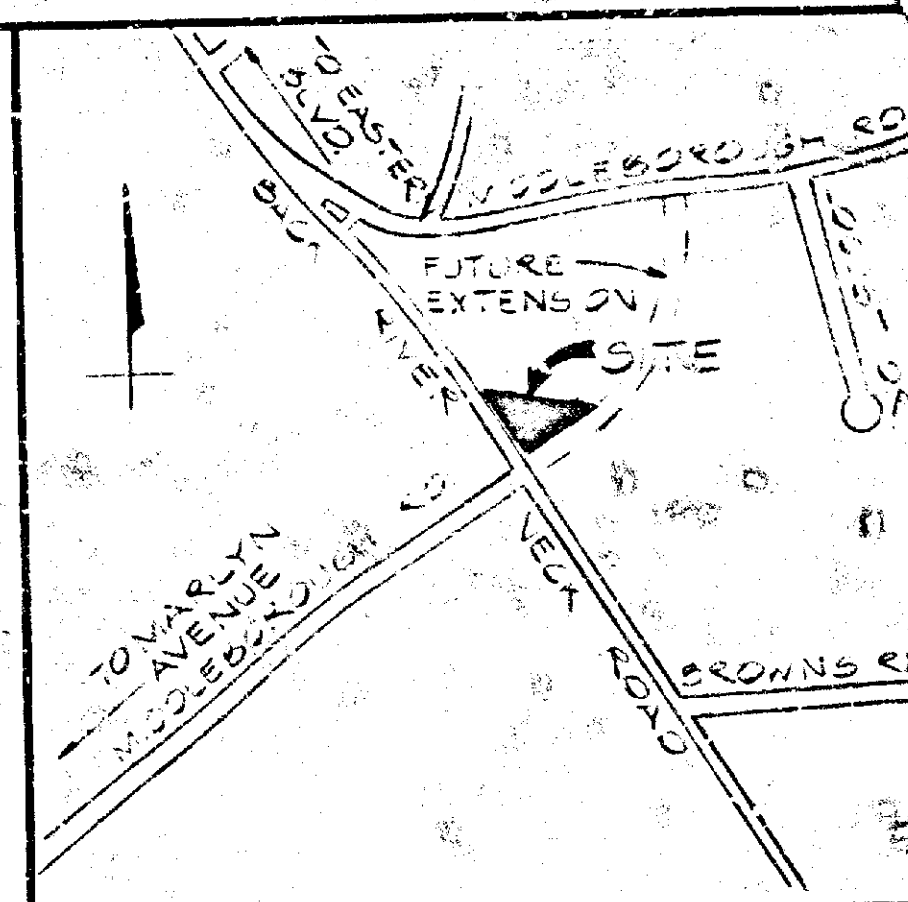
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- (X) Landscaping: Just comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- (X) The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 175-77, and its conditions change the recommended use of the property. The Joint Services Areas (JSA) are: _____.
- (X) A VARIANCE OF CRG PLAN (K/A DASH-IN-FOOD STORE) WAS GRANTED BY THE PLANNING BOARD ON 6/19/86 (SEE FILE IN 50-123)

cc: James Hoeswell

Eugene A. Baker
Chief, Current Planning and Development



GENERAL NOTES

1. SITE AREA = 0.309 AC: (22,625 sq. FT.) GROSS
SITE AREA = 0.023 AC: (33,235 sq. FT.) NET = 0.30 AC
2. EXISTING ZONING OF SITE "BR"
3. EXISTING USE OF TRACT "VACANT LAND"
4. PROPOSED USE OF TRACT "CONVENIENCE
FOOD STORE"
5. OFF STREET PARKING DATA :
 - A. TOTAL FLOOR AREA = 2,100 sq. FT.
REQUIRING .09 SPACES (1/200') = 11
 - B. PROPOSED PARKING = 18 SPACES (NCL1 H.C.)
6. PUBLIC UTILITIES EXIST AT THE SITE
7. SITE IS LOCATED IN THE BACK RIVER NECK
DRAINAGE AREA.
8. PETITIONER IS REQUESTING A VARIANCE
TO SECTION 236.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS TO ALLOW
A REAR YARD SETBACK OF 5' INSTEAD
OF 30' (A VARIANCE OF 25') SEE REASON FOR VARIANCE
9. LANDSCAPING OF THE SITE WILL BE IN
CONFORMANCE WITH THE BALTIMORE CO
LANDSCAPE MANUAL
10. TRASH COLLECTION WILL BE BY A
PRIVATE COLLECTOR.
11. FLOOR AREA RATIO : (GROSS SITE AREA)
 - A. ALLOWED = 71,670 sq. FT. (2.0 x 35,835)
 - B. PROPOSED = 0.06: (2,100 + 35,835)

**PETITIONER'S
EXHIBIT 2**

REASON FOR VARIANCE

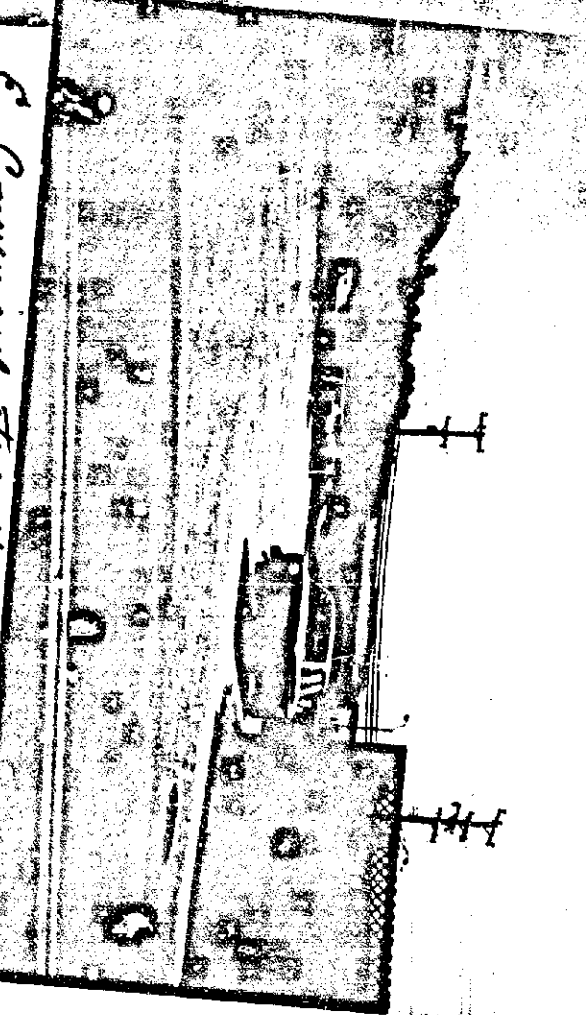
THE PURPOSE OF THIS VARIANCE IS TO ALLOW A REAR YARD SETBACK OF 3' INSTEAD OF THE REQUIRED 30' DUE TO THE SIZE AND CONFIGURATION OF THE LOT, THE ADDITIONAL WIDENING OF MIDDLEBOROUGH ROAD AS REQUESTED BY BALTIMORE COUNTY AND ALSO TO OBTAIN THE PROPER NUMBER OF OFF-STREET PARKING SPACES WITH SUFFICIENT MANEUVERING AREA.

Drawing GC Check RUS Design Check	DATE 10/1/86	REVISIONS	KIDDE CONSULTANTS, INC. LAND PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS 1020 CROMWELL BRIDGE ROAD, TOWSON, MARYLAND 21204, 301-321-5500	DEED REFERENCE: E.H.K. JR. 6975/323	ELECTION DISTRICT 5 COUNCILMANIC DIST. 5 GENSUS TRACT 4509 ACCOUNT NO	PLAT. TO ACCOMPANY PETITION FOR YARD VARIANCE NORTH EAST CORNER BACK & VER NECK ROAD & MIDDLEBOROUGH RD	SHEET OF 1	DATE 3/31/86 SCALE 1" = 20'	JOB NUMBER K.G.I. 86-0401
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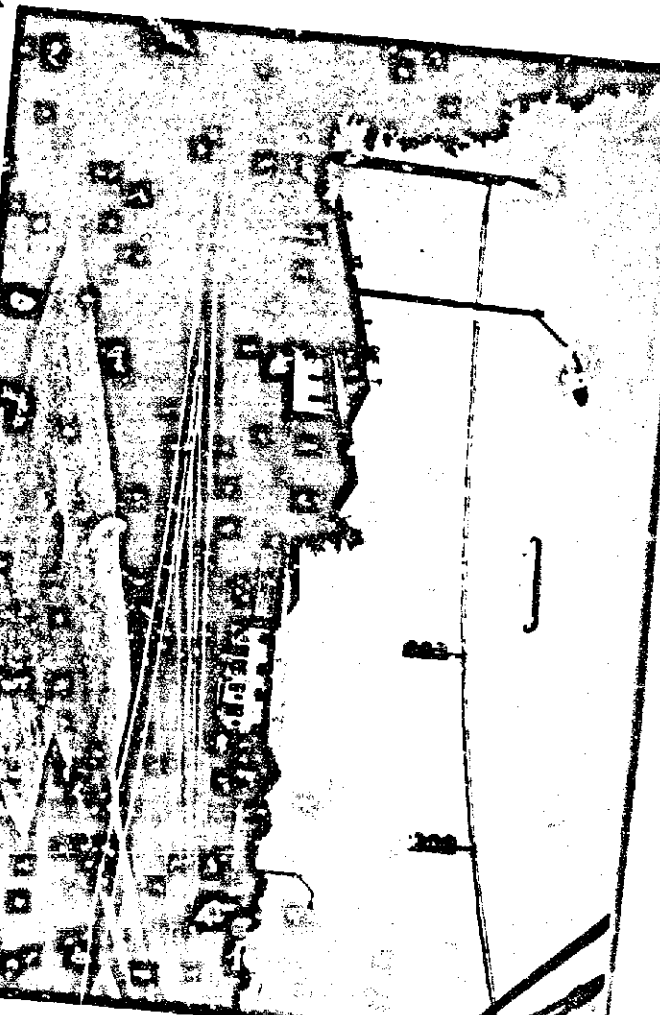
6 SMO of South River Mills and Milldam
Rd. opp. etc.



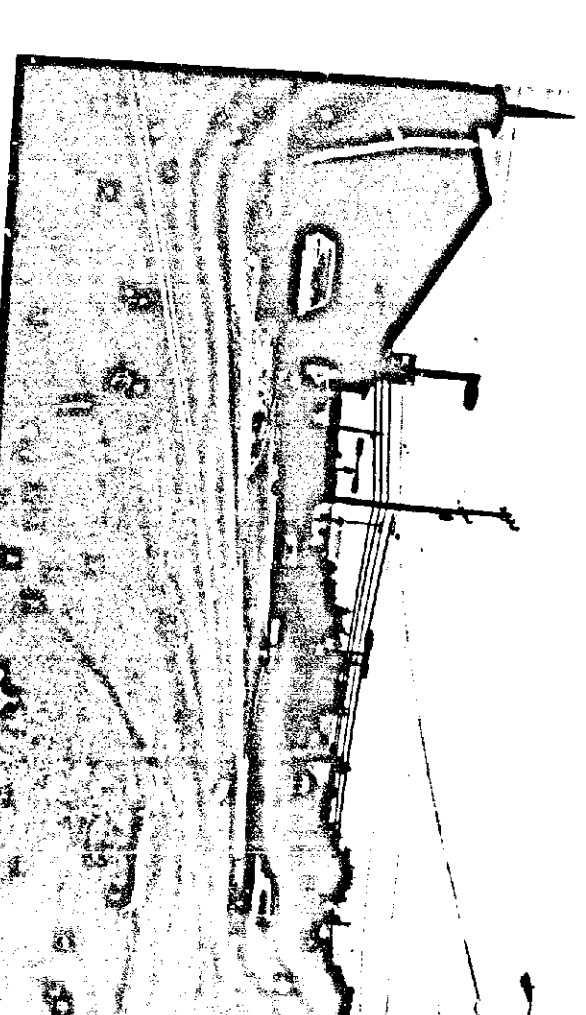
7. Convenience store on 215
Rd. opp. Mill & Rd.



4. 1/2 mile S of South River Mills
Milldam Rd. opp. etc.



5. Service station at SE of 1/2 mile
Rd. and South River Mills Rd.



PETITIONER'S
EXHIBIT 66

HISTORY of



PETITIONER'S
EXHIBIT 3

THE SMO, INC. FAMILY
Dash in Food Stores
Delmarva Oil
Delmarva Tires
Partco
Southern Maryland Oil
November, 1984

EPILOGUE

Perhaps in the final analysis this "History of SMO, Inc." is a tribute to all who have joined our SMO family through the years and it is, therefore, that this brochure is dedicated to them - for it is their Company and they have taken necessary steps to preserve what is written in the context of these pages. We are confident that they will command what will be added to these pages in the future years.

The Company takes this opportunity to thank all previous employees and to thank all present employees for their continued support.

PROLOGUE

This History of SMO, Inc., has been formulated in the hopes that insight can be gained by all employees that their efforts combined have made the success of our Organization.

SMO, Inc., has been very fortunate in the fact that its people since 1926, have maintained a "united team effort". Our divisions and subsidiaries are the number one Marketers in their respective areas. The people are and should be proud of this fact!

It would be totally impossible to mention all the names of those individuals whose efforts and steadfast convictions have really been the instrument of SMO's success. In the same vein, every item of interest through the years cannot be incorporated in this booklet. We have, however, tried to take those specific events which have had a direct "lasting effect" on the growth, stability and expansion of this organization.

We think you will find after reading this "History" that you are with a "winning" organization - just note the number of "firsts" that your Company was able to attain. These were obtainable only thru its PEOPLE - LIKE YOU! We hope too that for many, memories will be brought back and that you enjoyed being a part of this history in the making for your Company.

J. Blacklock Wills

J. Blacklock Wills
President

THE HISTORY OF SMO, INCORPORATED

Educational Design Associates - a developer, manufacturer and marketer of high quality toys. After attempts at nationwide marketing and unprofitable results, operations were discontinued in 1977.

Two new departments were added to the Company - the creation of the "Management Fee" operations designed specifically for the purpose of marketing motor fuels through a commission plan; and the newly created "Personnel Department", established with the purpose of better fulfilling employees' needs and satisfying government regulations requirements.

SMO, Inc. began this year with the celebration of its 50th anniversary. Our second 50 began with continued optimism.

Saw still another acquisition, that of Dean L. Sharrar of Salisbury, Maryland. Along with the BP brand, this entire operation was merged into the company's present water terminal facilities, also in Salisbury.

With centralized administration and decentralized operating profit centers, the company inaugurated "telecommunication". Through this technology, all principal operating units were provided with instant information that assisted in customer inquiries and day-to-day operations.

Delmarva Tires relocated into all new modern facilities with emphasis on retail merchandising.

It was in the early Spring that our country experienced another severe energy crisis. This time, Americans realized that the problem was real and would be long-lasting. New series of government regulations and interventions followed, thus creating further hardships to our customers and our organization.

The latter part of this year saw a new name, "Dash In" food marts, with the company's entry into convenience store marketing. More are now being developed as this, too, is a Corporate endeavor.

1926 In 1926 two engineers, Jim Wills and Harold Swann, got together and acquired the La Plata Oil and Mechanicsville Oil Companies. Thus began Southern Maryland Oil.

It is interesting to note that the Company handled only three principle products - kerosene (called coal oil), one grade of gasoline and a motor oil called "Texaco Golden". Eight employees were on board during this period of time.

Mr. Wills and Mr. Swann established a pattern that was to follow from its inception until the present time.

1927 With less than one year of experience, land was purchased and the Owings Plant was built. This secured our customers throughout Calvert County and the lower portion of Anne Arundel County. At this time the "Texaco Franchise" was received for the counties of Charles, lower Prince Georges and St. Mary's.

Records indicate there were six trucks in use - one at our Owings facility, two for the Mechanicsville and La Plata Offices and one truck for the Maintenance Department.

Working from eight to five was not heard of - everyone reached the office before "day break" and did not leave until "way past dark". No responsibilities were established, as all employees did whatever was necessary! One day they might drive a truck and the next be in the office!

1936 As the growth of the Company was evident, the name was soon changed to Southern Maryland Oil Company. 1936 marked a milestone for our Company as product was brought in by truck rather than rail at our Owings Plant. This was in 2,000 gallon tanks from Baltimore, Maryland.

During this same year, the La Plata Office expanded as another room was added. This addition certainly helped, but records indicate that "an old pot-belly stove" was still in use! It was at this location that motor oil began to be distributed. Most

These objectives included a new marketing approach and new area of expansion and development. As a result of this, our newest corporation, EFG, Inc. was developed for marketing motor fuels in new markets.

Shortly before this meeting, the company acquired the assets of Pete White Oil Company. This acquisition was merged into the existing Delmarva operation in Salisbury and Berlin, Maryland. Along with this merger, a new water terminal was developed with storage at some two million gallons.

The Stockholders Meeting in July of 1972 brought a name change to our Corporation, as Southern Maryland Oil, Inc. was officially changed to SMO, Incorporated. Dennis - Delmarva Oil and Southern Maryland Tires, Inc. are now subsidiaries of SMO, Inc. Partco and Southern Maryland Oil continue to be divisions of SMO, Inc.

In September 1972, our Data Processing Department incorporated all data and reporting. Because of our growth and anticipated growth, the Series III will bring on the capabilities of supplying Managerial Personnel with detailed reports in the future. This is the "real pulse" of SMO, Inc.

During the year, the company introduced for the employees Long Term Disability Insurance as another benefit.

With the purchase of Pete White and merging the operation into our Delmarva operation, we began to use "Circo" branded fuel for the entire Eastern Shore operation.

Foreseeing some drastic and imminent changes taking place within our industry toward modern marketing techniques, SMO developed the first full branded self-service station in the state of Maryland! This is our Forest Drive location in Annapolis, Maryland. Because of its popularity, many more have since been developed.

Also, in keeping with the trend of investment for station locations and providing economical operation of same, the

In 1942 rationing of products was a real threat to our industry. However, SMO secured Government "contracts" which were a real key in obtaining volume. During the war years, the "contract business" is what kept the Company going!

1943 1943 marked the purchasing of transport equipment from Paul Robinson, then Hauler. This gave us our own complete flexibility. With the abandonment of the old ferry boat and the opening of the Potomac River Bridge, U. S. Route 301 became a main "arterial" highway. This brought about a great increase in transit traffic heading both north and south. Not only was the increased traffic beneficial, but SMO was again the principle fuel supplier for the construction of the bridge and the roads leading to it.

During this period our TBA business, although not previously mentioned, was running into difficulties - Firestone tires were rationed as the supply was very tight - they were very difficult to obtain for our trucks. Our first dealings with tires were actually begun in 1938 with the Seiberling Tire Company. This business was handled through the La Plata Plant location.

1946 In November 1946 the President was authorized by the Board of Directors to use his own discretion to make loans for the procuring of potential service station sites. Would you believe the allocation for this was not to exceed \$3,000! The first such property was purchased in Lexington Park, Maryland known as Cato's Texaco. This property was purchased at a price of \$1.00 per foot.

As the growth of the company was accelerated, it was converted from a partnership to a corporation. The name was changed from Southern Maryland Oil Company to Southern Maryland Oil Company, Inc.

1947 In 1947 the new La Plata Plant and warehouse facilities were completed (present operation today) - during this same year increased storage facilities were made available here.

We note in the minutes of the Corporation on July 11, 1947 it:

January 12, 1966 Southern Maryland Oil, Inc., celebrated its 40th anniversary. This event was well publicized and established our image as a "long established - well founded organization." This same year the installation of an IBM - Data Processing System took place to further enhance our centralization programs of accounts receivable and other administrative details.

1968 Three years of prosperous growth, our Partco business had "growing pains" and a new location was chosen for this business in the old IGA Building in Waldorf, Maryland. This building was remodeled and in 1968, this became Partco's permanent home. This same year, Southern Maryland Oil, Inc., purchased two more automotive businesses, namely Beltway and Hillandale. January 30, 1968 the Company was again saddened as we lost our Chairman of the Board, Mrs. Julia W. Lorimer. The loss of her wisdom, strong character, and the charm of a "perfect lady" was felt by all who knew her. Mrs. Lorimer's "special touch" added immensely to the Company's growth during her tenure in this position.

1969 1969 marked another growth year and our facilities were extended to the Eastern Shore with the purchase of F. L. Godman Oil in Crisfield, Maryland and Dennis Oil Service in Salisbury and Berlin, Maryland.

The purchase of the F. L. Godman company marked the Company's first venture into the coal business. Coal was sold by the ton, bushel and the bag. This product has since been deleted. These plants are located within the counties of Wicomico, Worcester and Somerset.

The operations of Hillandale, Roadway, and Beltway were set up as another subsidiary corporation under the "banner" of Autopac, Inc. As one might expect, with all the growth and prosperity, the day "arrived" when our first operation became non-profitable. Autopac, Inc., was sold during this year. However, Partco operation still remains as one of the largest parts stores in the Southern Maryland area.

1951 The beginning of "automation" took place within the Company! After an extensive survey of bookkeeping machines, the first Remington Rand Machine was purchased - through the years Burroughs and IBM machines have been purchased.

1953 The leaders of the Company, realizing the growth and thereby an increase in employees, announced a Profit Sharing Plan, which became effective December 11, 1953. Southern Maryland Oil, Inc. was the first company in the State of Maryland to incorporate such a program, whereby the employees received, thru a deferred plan, a portion of the profits at year-end for retirement purposes.

It was remembered that this announcement was made at the Annual Christmas Party. It came as a "real surprise" to the employees and their families. The Plan was handled by "Trustees", which were selected Company personnel, as well as an Attorney. All the investment decisions, etc., were made by them. As the employees increased in number and the Company continued to expand, it was felt it would be in the best interest of everyone if this Plan would be turned over to a "financial firm" with professional investors making the decisions, etc., for the most return on this money.

1954 In May of 1954, an analysis was worked up showing the percentage distribution of the volume of gasoline business. Eighteen service stations accounted for 40% of the gasoline output. This confirmed the wisdom of our policy of building modern stations in strategic locations which had been in effect for several years. At the time, Lund Station had recently opened in Bryans Road, Maryland. It was decided to relocate and develop a new Mechanicsville Bulk Plant and Office. It was interesting to note that the opening day of this office, "Hurricane Hazel" swept through our State. For those of you who don't remember - this was one of the worst hurricanes to hit in our vicinity - much property and many lives were lost.

- 1960 Effects of the 1973 and '79 - '80 energy crisis were now realized by all Americans. Energy conservation was fully recognized as a long term endeavor, and its effects on demand of petroleum products as well as all energy fuels would be significant. Petroleum products were no longer in a growth phase but became one of being in a very mature to declining state.
- 1981 The company announced and began telemarketing operations for enhancing its heating oil customer base. Another first for heating oil marketers in Maryland.
- 1982 On January 20, of this year by Federal action the petroleum industry was decontrolled after a decade of regulatory controls. With this the free market system began to return, bringing with it significant industry transitions. It was evident that the '80's were destined to become a period of "survival of the fittest". Our company had prepared well and because of its people and financial condition were well postured to pursue the opportunities created by this change.
- 1983 Corporate organizational changes were announced creating four divisional profit center operations by key product lines. These actions were taken to implement new and more aggressive development goals. This announcement was actively embraced by the people of the company.

As we proceed into the '80's, we accept the challenges of these new times. Public demands and changes are only emphasizing the reasons why we exist - "to fulfill a public need". We shall keep in tune with these needs and continue to grow and prosper all for the benefit of the public, our customers, employees, shareholders and the community

states that "despite rumors of a fuel oil shortage next winter, well informed sources of information indicate an adequate supply in this area; therefore the policy of the Corporation will be to accept new accounts." This really rung a bell when we entered 1973 as the same situation was prevalent!

- 1948 The original Owings Plant was remodeled and storage tanks were relocated. During March of this year, long-range plans and policy for securing service station sites were outlined. These locations were to be purchased and held until such time as it seemed advantageous for station development. At this point, it would be rented or turned over to operators. Special emphasis was placed on securing such locations on thru-traffic routes and area of year-round traffic.

In October of 1948, we were all saddened by the loss of one of our founders, Harold S. Swann. At the time he served in the capacity of Vice President and Treasurer. His death was a tremendous loss to everyone connected with our organization.

- 1949 1949 was the year that our service station program really got underway. It should be noted here that, without a doubt, the unique way our Company was able to handle the financing and the holding of the mortgages for the Mortgagee, was to the benefit of the Company as well as the Retailer. This further showed the sound "financial" stability of our Company. Thus began a trend never to be stopped!

- 1950 1950 began a year in which many major decisions had to be made as the Korean War imposed such problems as possible rationing, transportation difficulties, taxes, etc. Through the wisdom of our Management, the Company continued to be on top of things and to make the right decisions.

During this year also, the President, Mr. Wills, presented a proposal to increase coverage in the Hospitalization Plan for increased medical services, etc. These benefits have continually improved and today remain very competitive with all other companies of our type and size.

- 1970 1970 was entered into "as the beginning of ten of the fastest growth years in our Company's history". Growth was enjoyed in our marketing area of northern Prince Georges County and Anne Arundel County — now this was being expanded into Charles and Calvert Counties.

The 70's were the beginning of what appeared to be an era of regulations and consumer protections, which brought about more stringent rules on the petroleum industry. It was again at this time when the Company re-evaluated its position, defining new goals and long-term objectives.

To this degree, a rehabilitation of the service stations was begun. Early part of 1970 marketing gasoline through "car washes" was pursued. By the end of 1971, three new service stations and three car washes were put on stream — with a promise of a very bright future along this line.

- 1971 March of 1971, Delmarva Tires was created and began operating on the Eastern Shore. Sales expectations exceeded our targets and this operation became very profitable.

Acquisitions continued to let Southern Maryland Oil, Inc., grow on the Eastern Shore as in July of 1971 Timmons Oil Company was purchased. Upon this acquisition, we entered into new ventures in the State of Delaware!

The following month in August, McNew Brothers Oil was purchased by Southern Maryland Oil, Inc., in Annapolis, Maryland. This entire operation was merged into our Annapolis Plant.

In September of 1971, Southern Maryland Tires in Waldorf, Maryland was updated with all new designs and retreading equipment. Larger facilities were constructed affording not only improved office and warehouse areas, but a new service — that of fleet and commercial tire mounting, balance, and alignment.

- 1972 At the beginning of 1972, the Company held a most significant Organization Meeting, announcing new management techniques, philosophies and for the first time, Company objectives were outlined to its people.

noteworthy is the fact that our Company was the first such organization to purchase motor oil in "quart cans" — Texaco Havoline.

Motor Oil generated the Company's first Dealer meeting — for the specific purpose of introducing this product. Because of supply, only a few companies were handling this product — SMO was one!

- 1937 With the invention of the gun type burner, fuel oil came into its own, creating an ever increasing market for home heating. It was during this year that the Company began deliveries on an automatic basis. Automatic at this time meant deliveries of once a week or once every two weeks. This, by the way, was the first such automatic service available to customers in the Southern Maryland area.

- 1940 1940 brought many changes as we acquired our first computing (electric) pump. It was at this time that we built the Indian Head Plant thus developing and expanding our heating oil territory. The Company held its first Christmas Party. Here too, we should note that during these years many Company benefits were implemented. First was the vacation plan, followed by a sick leave program, as well as a Christmas Bonus. It is interesting to note that the Christmas Bonus was an amount of \$25.00. This was a set amount; today this is based on the number of months/years with our Organization.

- 1941 1941 was the beginning of the "war" years and the decline of many businesses. Again, due to the ability of the owners and their foresight, the pattern of growth was continued.

- 1942 In March of 1942 the construction of the Patuxent Naval Air Station began. Not only was SMO the first principle fuel supplier, but because of the activity in this market, homes began to be built and our one full-time salesman solicited fuel oil accounts on a door-to-door basis. Southern Maryland Oil again was the first Company to serve a "housing development".

Company developed pumper type locations — that is service stations without bays!

- 1973 It was in this year that we began to foresee a fuel shortage. As a result of this, greater efforts were placed in areas of efficiency and cost controls. It was also during this period that additional expenses were brought about by enactment of new governmental regulations, specifically in areas of safety and environmental matters. The realization of the fuel crises became acute in the following year and brought about even further new regulations regarding allocations, price control and distribution of products. The result of all of this, unfortunately, created a damaging effect to the petroleum industry.

It was during this year that the Company was petitioned by the National Labor Relations Board for a union election. This effort failed. However, it brought out the importance of the need for the Company to communicate with all of its people knowledge of Company activities, endeavors, and of what is taking place. We feel that the employees' continued confidence in the Company has proven beneficial to both the employees and the Company.

- 1974 Acquisitions were made of the C. K. Duncan — Citgo operation in Pocomoke, Maryland and of Sussex-Atlantic Oil Company in Georgetown, Delaware. Both of these were merged into Delmarva Oil, Inc. To satisfy the needs of our many customers, increased storage facilities were added at our SMO plant operations. The Company's new pension plan was announced and inaugurated at the employees' summer picnic. This provided our employees with both a pension plan and a profit sharing plan for their benefit at retirement.

- 1975 This year began with the acquisition of the BP — La Plata Oil Company operations. This was followed by the purchase of Quality Oil, U. S. Oil, and Oil Holdings, Inc. The latter companies being merged into Delmarva Oil, Inc.

In March of this year, the Company chose to diversify its operations and entered into the educational toy business by acquiring

- 1955 Southern Maryland Oil, Inc., obtained another first for the area by inaugurating an oil burner service department. With two-way radio communication, this service was made available to our customers. It has been a vital force in back of our Heating Oil Division's success.

This was also the same year we purchased Kroll Petroleum Company, which gave us entry into Prince Georges County's heating oil market. This is now known as our Clinton Plant.

- 1956 The La Plata Office was remodeled again — the side was added where the ladies work today.

- 1957 The years of 1957 — 1962 were both tragic and prosperous. Tragic in the sense that we suffered the striking blow when our President, James W. Wills, lost his life in an automobile accident. However, a tribute to him was the fact that the Company continued to prosper and made the first venture into the automotive parts business.

- 1958 The following year in 1958, the Proutt Oil Company was acquired thus providing the Company with additional heating oil markets in Anne Arundel County. This location is now known as our Gambrials Plant. To inject a bit of humor — we understood that the purchase of this property "all took place over a bottle" — we won't say what was in the bottle, but we will say this proved to be a very profitable deal; the amount of purchase was \$5,000! We also note that for better or worse, present day "deals" and negotiations have become quite "sophisticated" taking many days and much time and effort to consummate!

- 1960 With the success of the parts business, the Department expanded and began marketing its items and supplies thru a "pie-wagon" type concept. In 1960 a new wing was added to the La Plata Plant for this parts business.

During this year, the first Lockheed Meters were installed on Company trucks. Shortly after this, a totally new building was added to our La Plata Plant — relocating our Maintenance Department and again our parts business.

- 1963 With having developed the success of the parts business, the Company further became diversified and entered into the tire re-treading business. This too became extremely successful and an all new modern retread plant warehouse was developed in the present location in Waldorf, Maryland. This was under the banner of Southern Maryland Tires, Inc. Because of its growth, many additions have been made to this facility, the first being in 1963. In 1963 the Company again expanded its automotive business and acquired Brandywine Automotive Parts. Merging this with our present operation, this now became a full line automotive parts house.

Also in this year, emphasis was still maintained on our petroleum business and our Bryans Road Plant was developed. This plant was our first unmanned key operation.

On May 10, 1963, "Open House" was held for the completion of the "Main Office" building on U. S. Route 301. Centralization of our accounting and administrative programs were realized at this time.

- 1964 Our Company again was the first in the State of Maryland as we entered into an agreement and began the development of the area's first central oil system. This first system was known as Cedarville Trailer Park.

The second such installation was Wayson's Trailer Park in June of 1965. We have since added many more locations to this list.

In November 1964, the Company again expanded its territory by receiving the franchise for Texaco products in the Annapolis Marketing area.

- 1965 Construction began for our new modern Annapolis Bulk Plant located at Bestgate Drive.

- 1966 In 1966, the contemplation of a heating installation business became a reality. Southern Maryland Oil, Inc., scored another first as the Installation Department was created for rendering the service of installation of hot water heaters, central air conditioning, furnaces, etc.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to allow a side or rear yard of five feet (5') in lieu of the required thirty (30) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. This triangular shaped lot was created by Baltimore County for the extension of "new" or "relocated" Middleborough Road, and its odd configuration makes it difficult to locate a building without the requested variance.
2. That an additional two foot (2') road widening has been requested by Baltimore County.
3. That without the requested variance the Petitioners will sustain practical difficulty and unreasonable hardship and the requested variance is in harmony with the spirit and intent of the Regulations. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Southern Maryland Oil Corp.
(Type or Print Name)
BY: *[Signature]*
Signature
P.O. Box E.
Address:
LaPlata, Maryland 20646
City and State

Legal Owner(s): Harry P. Lebow and John W. Chester
A Joint Venture Trading As
Back River Neck Association
(Type or Print Name)
BY: *[Signature]*
Signature John W. Chester
(Type or Print Name)
Signature
Address:
9001 Harford Road
City and State
661-8300
Phone No. N-2,500
Parkville, Maryland 21234
City and State
E-49,515
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Kenneth Beach
7900 Sutherland Court
Pasadena, MD 21122
Address
437-8036
Phone No.

Attorney for Petitioner:
Newton A. Williams, Esquire
(Type or Print Name)
Nolan, Plumbhoff & Williams
(Type or Print Name)
[Signature]
Signature
204 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of August, 1986, at 10:00 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Road,
cor. NW/S of Middleborough Rd.
15th Election District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 87-50-A

The Petitioners herein request a variance to allow a side or rear yard setback of 5 feet in lieu of the required 30 feet to construct a convenience food store.

Testimony on behalf of the Petitioners and contract purchaser indicated that the triangular shaped site was created approximately two years ago when Baltimore County acquired a right-of-way for the Middleborough Road extension. The proposed building will be utilized as a convenience food store open 24 hours a day, 7 days a week.

There were no Protestants.

By letter dated August 7, 1986 to the Zoning Commissioner, the Baltimore County Department of Traffic Engineering requested that three parking spaces be eliminated or relocated.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of August, 1986, that the herein request for a variance to allow a 5-foot side or rear yard setback to construct a convenience food store, in accordance with the plan prepared by Kidde Consultants, Inc., dated March 31,



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 19, 1986

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Intersection of the NE/S of
Back River Neck Road and the
corner of the NW/S of
Middleborough Road
15th Election District
Case No. 87-50-A

Dear Mr. Williams:

Please be advised that your request for a zoning variance in the above referenced Petition has been granted, with restrictions, in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
[Signature]
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjjs

Attachments

cc: Southern Maryland Oil Corporation
c/o Mr. Kenneth Beach
7900 Sutherland Court
Pasadena, Maryland 21122

People's Counsel

0.509 Acre Parcel
Back River Neck Road
Proposed Middleborough Road
Page Two

fillet line connecting said Middleborough Road with said Back River Neck Road, thence binding on said line North 81 degrees 21 minutes 29 seconds West 27.55 feet to the place of beginning.

CONTAINING 0.509 acre of land, more or less.

RLS/aeb KCI Job Order No. 01-86040A May 12, 1986



CERTIFICATE OF PUBLICATION

TOWSON, MD, July 21, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 21, 1986.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

22.00

PETITION FOR ZONING VARIANCE
15th Election District
Case No. 87-50-A
LOCATION: Northeast side of Back River Neck Road, Corner North side of Middleborough Road
DATE AND TIME: Tuesday, August 12, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Zoning Variance to permit a side or rear yard setback of 5 feet in lieu of the required 30 feet
Being the property of Back River Neck Association, et al, as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY
2128 July 25, 1986

KIDDE CONSULTANTS, INC.

Subsidiary of Kidde, Inc.

DESCRIPTION
0.509 ACRE, MORE OR LESS, PARCEL
NORTHEAST CORNER BACK RIVER NECK ROAD AND
PROPOSED MIDDLEBOROUGH ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

THIS DESCRIPTION IS FOR A YARD VARIANCE IN A "BR" ZONE.

BEGINNING FOR THE SAME on the east side of Back River Neck Road and at the end of the fillet line connecting the north side of the proposed Middleborough Road with said east side of Back River Neck Road, said point of beginning being North 34 degrees 48 minutes 39 seconds West 60.00 feet, more or less, from the centerline extended of Middleborough Road, thence binding on the east right of way line of Back River Neck Road (1) North 34 degrees 48 minutes 39 seconds West 66.54 feet, (2) northerly by a curve to the left with a radius of 5,759.58 feet with an arc distance of 100.05 feet and a chord bearing of North 35 degrees 18 minutes 30 seconds West 100.04 feet, thence (3) South 84 degrees 55 minutes 24 seconds East 299.17 feet to intersect the north side of said Middleborough Road, thence binding on said Middleborough Road the following four courses and distances, (4) by a curve to the right with a radius of 470.00 feet with an arc distance of 58.84 feet and a chord bearing of South 51 degrees 36 minutes 10 seconds West 58.84 feet, (5) South 55 degrees 11 minutes 21 seconds West 140.00 feet, (6) North 34 degrees 48 minutes 39 seconds West 10.00 feet, (7) South 55 degrees 11 minutes 21 seconds West 10.00 feet to the beginning of the

PETITION FOR ZONING VARIANCE

15th Election District

Case No. 87-50-A

LOCATION: Northeast Side of Back River Neck Road, Corner Northwest Side of Middleborough Road

DATE AND TIME: Tuesday, August 12, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side or rear yard setback of 5 feet in lieu of the required 30 feet

Being the property of Back River Neck Association, et al, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S Back River Neck Rd.
Corner NW/S of Middleborough Rd., 15th District
BACK RIVER NECK ASSOCIATION, Case No. 87-50-A
et al., Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2183

I HEREBY CERTIFY that on this 17th day of July, 1986, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; Southern Maryland Oil Corp., P. O. Box E, LaPlata, MD 20646, Contract Purchaser; and Kenneth Beach, 7900 Sutherland Ct., Pasadena, MD 21122, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Newton A. Williams, Esquire
Nolen, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
July 7, 1986

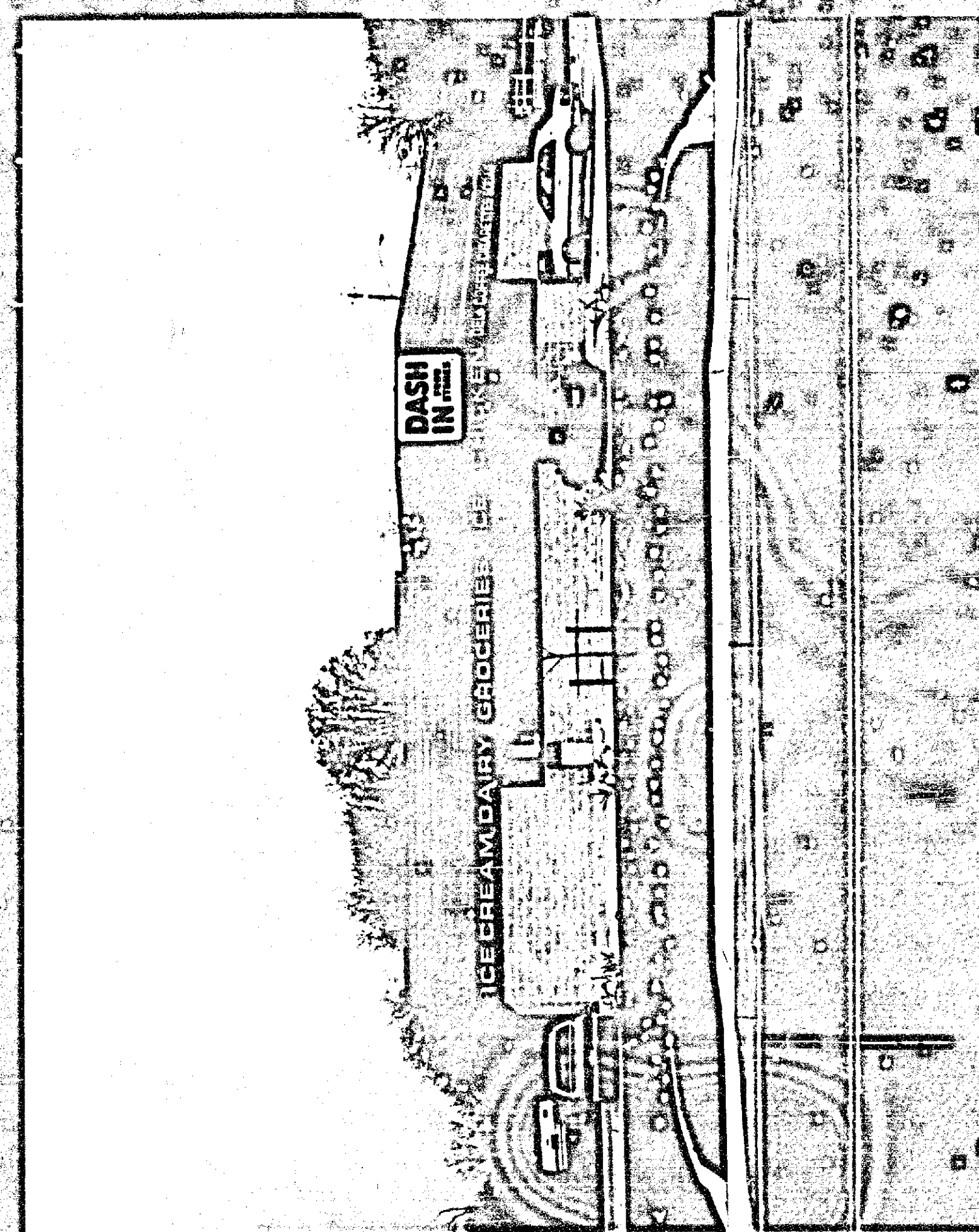
NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Rd., cor. NW/S of
Middleborough Rd.
15th Election District
Back River Neck Association, et al - Petitioners
Case No. 87-50-A

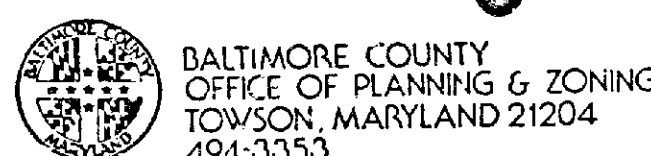
TIME: 10:00 a.m.
DATE: Tuesday, August 12, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. C21687
DATE 7/6/86 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM Nolan Plumbhoff & Williams
FOR Variance # 453
Lobow/Christen
B012*****10000014 8058F
VALIDATION OR SIGNATURE OF CASHIER



PETITIONER'S
EXHIBIT 6a



ARNOLD JARLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 5, 1986

Newton A. Williams, Esquire
Nolen, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Rd., cor. NW/S of
Middleborough Rd.
15th Election District
Back River Neck Association, et al - Petitioners
Case No. 87-50-A

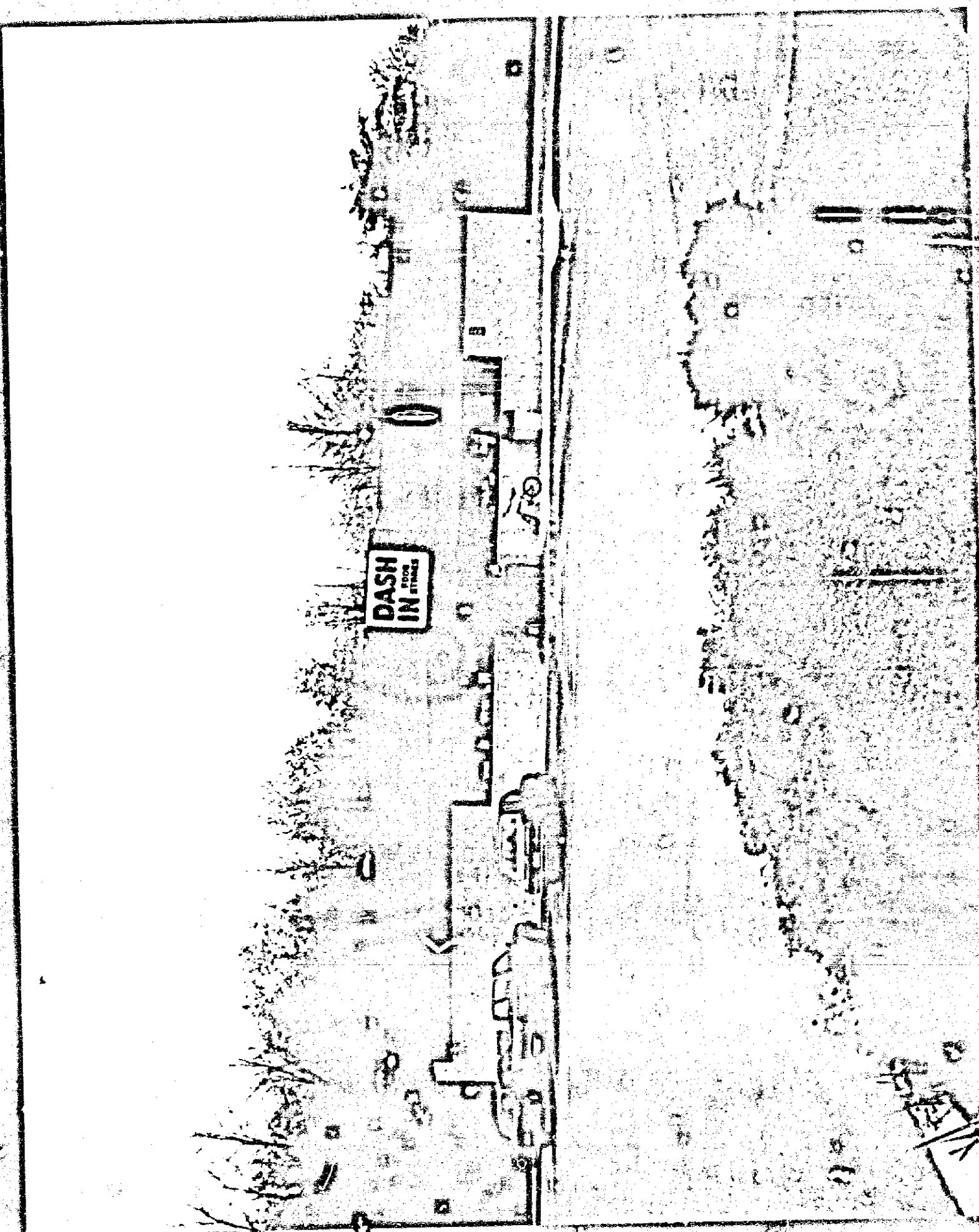
Dear Mr. Williams:

This is to advise you that \$58.65 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. C21818
DATE 8/12/86 ACCOUNT 01-615-000
SIGN & POST RETURNED
AMOUNT \$ 58.65
Newton A. Williams, Esquire, 204 W. Pennsylvania Ave., Towson, Md. 21204
RECEIVED FROM
ADVERTISING & POSTING RE CASE 87-50-A
FOR R012*****586514 2128F
VALIDATION OR SIGNATURE OF CASHIER



Petition for Zoning Variance

15th Election District
Case No. 87-50-A
LOCATION: Northeast Side of Back River Neck Road, Corner North-west Side of Middleborough Road.
DATE & TIME: Tuesday, August 12, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side or rear yard setback of 5 feet in lieu of the required 30 feet.
Being the property of Back River Neck Association, et al, as shown on plat plan filed with the Zoning Office.
In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
Arnold Jarlon
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., July 24, 1986

This is to certify that the annexed Petition - Back River Neck Reg. 2-92709

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of two successive weeks before the 24th day of July, 1986.
[Signature] Publisher.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Posted for: Variance
Petitioner: Back River Neck Association, et al.
Location of property: NE/S Back River Neck Rd., cor. NW/S of Middleborough Rd.
Location of Signs: Four (4) locations (NW) Back River Neck Rd. & Middleborough Rd., near intersection of NE/S Back River Neck Rd. & Middleborough Rd.
Remarks: Indicated on Plat
Posted by: [Signature]
Number of Signs: 1
Date of Posting: 7/10/86
Date of return: 7/11/86

87-50-A

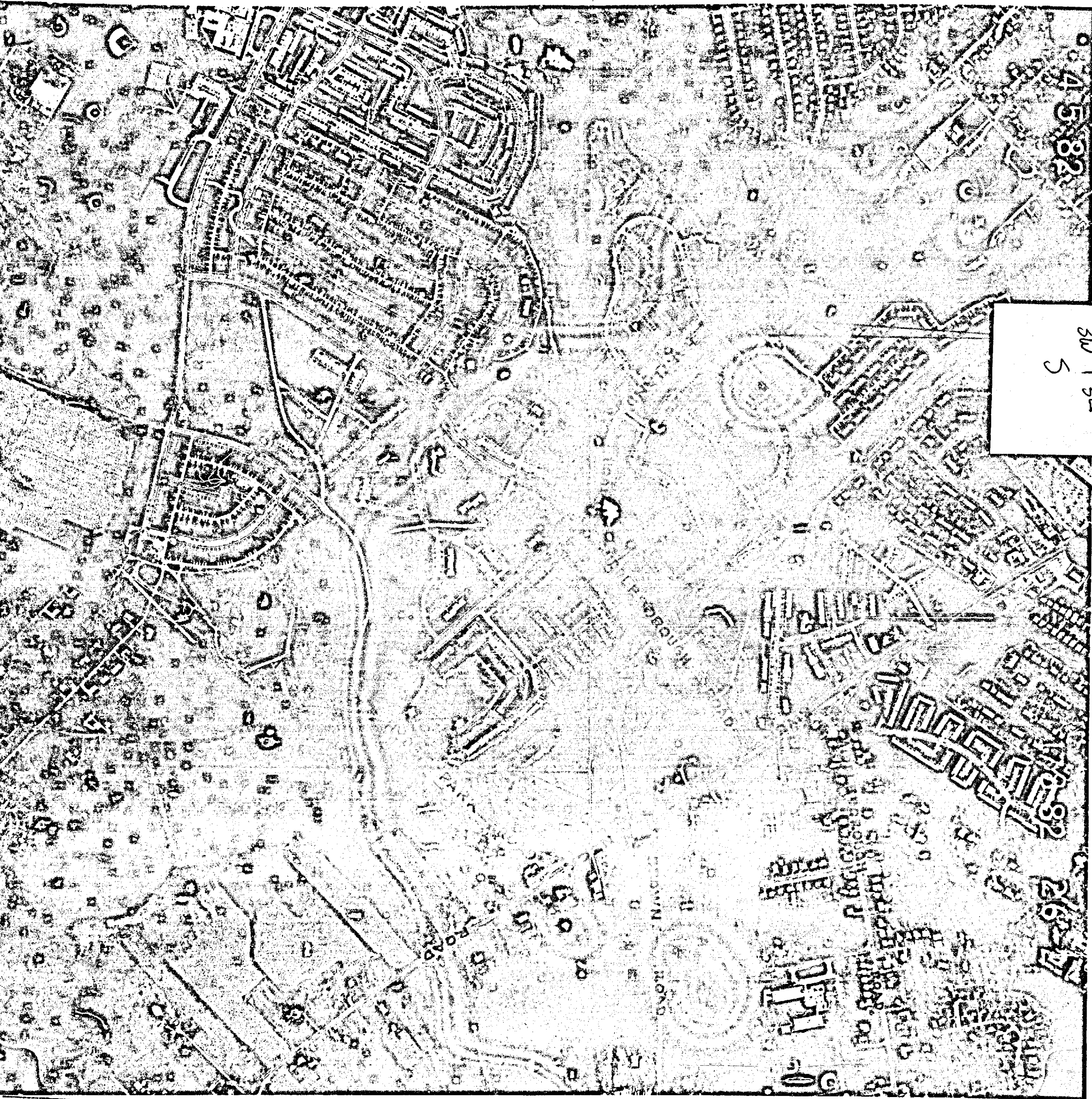
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 10th day of August, 1986.

[Signature]
ARNOLD JARLON
Zoning Commissioner

Petitioner Back River Neck Association Received by: [Signature]
Petitioner's Attorney [Signature]
Chairman, Zoning Plans Advisory Committee



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-50-A

Date: July 21, 1986

This office has a general concern with the development of these types of parcels of land i.e., small, irregularly shaped "left-over" parcels of land at major road intersections. It would seem that when the intersections are improved, either these resulting parcels should be purchased and retained by the County or State, or, if purchased for construction, should not be sold later as "left-overs".

Norman E. Gerber for J. H. Jung
Norman E. Gerber, AICP
Director

NEG:JGH:sml

CPS-008

LEVIN, GANN & HANKIN, P.A.

Ms. Jean M. H. Jung
Deputy Zoning Commissioner

Page 2
January 30, 1987

Re: Petition for Zoning Variance
Intersection of Northeast Side of Back River Neck Road
and the Corner of the Northwest Side of Middleborough Road
Case No. 87-50-A

After both you and I have spoken with Greg Jones of the Department of Traffic Engineering, we have been advised that the extension and development of Middleborough Road in this area is the subject of a capital improvement program item for construction in the 1987-88 fiscal year.

My client and the contract purchaser stand ready willing and able and will provide for access to Back River Neck Road and to the future extension of Middleborough Road when construction begins and the property is developed and will enter into Public Works Agreement with Baltimore County for contribution toward the costs of construction of the roadway adjoining their property.

As time is of the essence, it is imperative that the contract purchaser be assured that they be able to secure the necessary building permits to meet the requirements of your aforesaid Order. Therefore, I request that you advise me, in accordance with our discussions, that the contract purchaser will be complying with your Order by providing for the access from the subject site to Middleborough Road and be able to secure the necessary building permits to move forward and the Department of Planning and Zoning acknowledge that by providing for said access and entering into the required Public Works Agreement that building permits will in fact be issued.

Your earliest reply would be greatly appreciated.

Sincerely,

Julius W. Lichter
Julius W. Lichter

JWL:isp

cc: Mr. Kenneth Beach
Southern Maryland Oil Corporation
P. O. Box E
La Plata, MD 20646

Mr. John W. Chester
9001 Harford Road
Baltimore, Maryland 21234

Sidney Weiman, Esquire

RECEIVED
FEB 2 1987
ZONING OFFICE

LEVIN, GANN & HANKIN
LAW OFFICES

305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301 321 0000

January 30, 1987

Ms. Jean M. H. Jung
Deputy Zoning Commissioner
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Intersection of Northeast Side of Back River Neck Road
and the Corner of the Northwest Side of Middleborough Road
15th Election District
Case No. 87-50-A

Dear Ms. Jung:

As you are aware, an Order was issued by you on August 19, 1986 granting a variance to side and/or rear yard setback with regard to the above captioned property subject to certain restrictions. Pursuant to my inquiry of you within the last few weeks, my client, who is the legal owner of the property at this time, has asked that I secure from you an interpretation of the Order, in particular with regard to Restriction No. 2:

"2. The occupancy permit shall not be issued until both access driveways to the property are provided."

Pursuant to my inquiry, you have examined the file and have visited the site and have consulted with Mr. Greg Jones of the Department of Traffic Engineering regarding the status of Middleborough Road.

At the time of the hearing, and for a period of time thereafter, Baltimore County, my clients and the contract purchaser, and the contract purchaser's engineer, Kidd Consultants, Inc., have all been under the impression that the area designated as the proposed Middleborough Road as it binds upon the subject property was owned by Baltimore County. Subsequently, it was determined that the area in fact does not belong to Baltimore County and belongs to a former property owner from whom my client purchased the subject property. Therefore, while my client will provide access driveways both Middleborough Road and Back River Neck Road, the access driveway to the proposed Middleborough Road would not be effective until such time as Baltimore County acquired to the roadway.

NOLAN, PLUMHOFF & WILLIAMS
LAW OFFICES

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7600

October 6, 1986

J. EARLE PLUMHOFF
NOLAN, PLUMHOFF & WILLIAMS
WILLIAM H. HESSON, JR.
THOMAS J. REHNER
WILLIAM H. ENGLISH, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT B. GUSHAWAROW
DOUGLAS L. BURGESS

ALSO ADMITTED IN D.C.

Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Back River Neck Associates
Southern Maryland Oil Site
Back River Neck Road at
New Middleborough Road
Case No. 87-50-A

Dear Commissioner Jung:

On behalf of both my clients and our office, as well as myself, thank you for your Opinion and Order dated August 19, 1986 in this matter.

As you will recall from our office conference on September 5, 1986, one of your conditions in the Order involved a revision of "the dumpster site, its screening, the walkway to the rear delivery door."

At the time of our conference on September 5th I submitted a revised Kidd plat dated August 26, 1986, which opened up the northeast corner of the site for sidewalk access with a pedestrian gate as you requested. If you need additional plats, call me.

Of course, as far as the dumpster screening is concerned, this will be done pursuant to the approval of fencing by the Current Planning Office as a part of the building permit process.

Also, we are sure that the Department of Traffic Engineering will participate in that process as well as to the parking configuration on the site.

RECEIVED
OCT 8 1986
ZONING OFFICE



1. SITE AREA = 0.509 AC* (22,162 sq. FT.) GROSS
SITE AREA = 0.023 AC* (33,035 sq. FT.) NET = 0.50 AC*
2. EXISTING ZONING OF SITE "BR"
3. EXISTING USE OF TRACT "VACANT LAND"
4. PROPOSED USE OF TRACT "CONVENIENCE
FOOD STORE"
5. OFF STREET PARKING DATA :
 - A. TOTAL FLOOR AREA = 2100 sq. FT.
REQUIRING 120 SPACES (1/2000*) = 11
 - B. PROPOSED PARKING = 18 SPACES (NCL1.H.C.)
6. PUBLIC UTILITIES EXIST AT THE SITE.
7. SITE IS LOCATED IN THE BACK RIVER NECK
DRAINAGE AREA.
8. PETITIONER IS REQUESTING A VARIANCE
TO SECTION 238.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS TO ALLOW
A REAR YARD SETBACK OF 5' INSTEAD
OF 30' (A VARIANCE OF 25') SEE REASON FOR VARIANCE
9. LANDSCAPING OF THE SITE WILL BE IN
CONFORMANCE WITH THE BALTIMORE CO.
LANDSCAPE MANUAL
10. TRASH COLLECTION WILL BE BY A
PRIVATE COLLECTOR.
11. FLOOR AREA RATIO : (GROSS SITE AREA)
 - A. ALLOWED = 71,670 sq. FT. (2.0 x 35,835)
 - B. PROPOSED = 0.061 (2100 + 35,835)

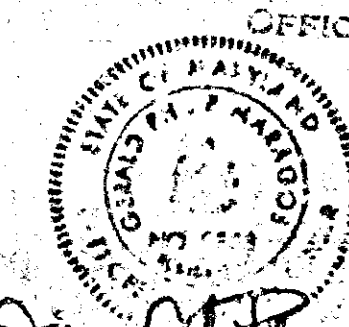
See Lichter 1/30/87 letter.
JMWG 2/3/87

PETITIONER'S
EXHIBIT

453
1 segm
07-50

REASON FOR VARIANCE
THE PURPOSE OF THIS VARIANCE IS TO ALLOW A REAR YARD SETBACK OF 5' INSTEAD OF THE REQUIRED 30' DUE TO THE SIZE AND CONFIGURATION OF THE LOT, THE ADDITIONAL WIDENING OF MIDDLEBOROUGH ROAD AS REQUESTED BY BALTIMORE COUNTY AND ALSO TO OBTAIN THE PROPER NUMBER OF OFF-STREET PARKING SPACES WITH SUFFICIENT MANEUVERING AREA.

OFFICE COPY



Don't change

DATE 3/31/86	CHECKED [Signature]	DRAWN BY [Signature]	REVISIONS	KIDDE CONSULTANTS, INC. LAND PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS 1030 CROMWELL BRIDGE ROAD, TOWSON, MARYLAND 21204, 301-321-5500	DEED REFERENCE E.H.K. JR. 6975/323	ELECTION DISTRICT 15 COUNCILMANIC DIST. 5 CENSUS TRACT 4509 ACCOUNT NO.	PLAT TO ACCOMPANY PETITION FOR YARD VARIANCE VICINITY NORTHEAST CORNER BACK RIVER NECK ROAD & MIDDLEBOROUGH RD.	SHEET OF 1	DATE 3/31/86	JOB NUMBER K.C.I. 86-240
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Honorable Jean M. E. Jung
October 6, 1986
Page 2

Since September 5, 1986 we have not heard further from your office with regard to this revised site plan. We assume that it is basically acceptable. However, if you or any department head has any questions or comments, please do not hesitate to contact this office, Mr. Richard L. Smith at Kidde, and/or Mr. Ken Beach at Southern Maryland Oil.

Thanking you and your staff for your attention to this matter, I am with best regards.

Sincerely,

Newton

Newton A. Williams

NAW:ylm

cc: Mr. Ken Beach
Mr. Richard L. Smith

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 17, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Department of Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Newton A. Williams, Esquire
Nolan, Plunhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 453 - Case No. 87-50-A
Petitioner: Back River Neck Association
et al
Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Kidde Consultants
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 453, Zoning Advisory Committee Meeting of 6/17/86

Property Owner: Back River Neck Assoc./Joint Venture

Location: NE/S Back River Neck Rd., corner NW/S Middleborough Rd. District 15th

Water Supply Public Sewage Disposal Public

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. For additional information, contact Bill Clark, AT 494-3370.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204-2586
494-4100

PAUL H. REINCKE

June 24, 1986

Mr. Arnold Jablon,
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Back River Neck Assoc./Joint Venture

Location: NE/S Back River Neck Rd., corner NW/S Middleborough Road

Item No.: 453

Zoning Agenda: Meeting of 6/17/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

RECEIVED
AUG 11 1986

ZONING OFFICE

August 7, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item #453

Dear Mr. Jablon:

The three employee parking spaces at the southeast corner of the site need to be eliminated or relocated to provide improved sight distance on the inside of the curve of proposed Middleborough Road.

Very truly yours,

Gregory M. Jones
Gregory M. Jones
Traffic Engineer II

GJM:lt



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

July 14, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Zoning Advisory Meeting of June 17, 1986
Item # 453 Back River Neck Assoc./Joint Venture
Location: NE/S Back River Neck Rd., corner NW/S Middleborough Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- (X) Landscaping: Just comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 175-77, and its conditions change the recommended annual traffic volume. The Joint Services Areas (JSA) are:
- (X) A LANNER OF CRG Plan (K/A DASH-IN-FOOD STORE) (SEE FILE IN 20-123)

cc: James Hoeswell

Eugene A. Baker
Chief, Current Planning and Development

Zoning Item # 453 Zoning Advisory Committee Meeting of 6/17/86
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
 - () The results are valid until _____
 - () Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 24, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #453 Zoning Advisory Committee Meeting are as follows:

Property Owner: Back River Neck Association/Joint Venture
Location: NE/S Back River Neck Road, corner NW/S Middleborough Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

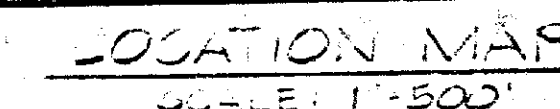
- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-86, the Maryland Code for the Handicapped and Aged (A.S.B.I. #117-1 - 1980) and other applicable Codes and Standards.
- (X) A Building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered or Licensed Architect or Engineer is not required on plans and technical data.
- (X) Commercial: Three sets of construction drawings sealed and signed by a registered or Licensed Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

NOTE:

- (X) All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact the Department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Blank Use _____ See Section 111 of the Building Code.
- () The proposed project appears to be located in a Flood Plain. Please see the attached copy of Section 214.2 of the Building Code as adopted by the Full Council of May 1986. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.
- (X) Comments: Open protectives on the north side may be required. See Section 111.1.2.
- () These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burman
Charles E. Burman, Chief
Baltimore Planning Service

4/21/86



1. SITE AREA = 0.309 AC: (22,625 sq ft) GROSS
SITE AREA = 0.023 AC: (33,235 sq ft) NET = 0.90 AC
2. EXISTING ZONING OF SITE "BR"
3. EXISTING USE OF TRACT "VACANT LAND"
4. PROPOSED USE OF TRACT "CONVENIENCE FOOD STORE"
5. OFF STREET PARKING DATA :
 - A. TOTAL FLOOR AREA = 2,800 sq ft.
REQUIRING .09 SPACES (1/200th) = 11
 - B. PROPOSED PARKING = 18 SPACES (NCL1 H.C.)
6. PUBLIC UTILITIES EXIST AT THE SITE
7. SITE IS LOCATED IN THE BACK RIVER NECK DRAINAGE AREA
8. PETITIONER IS REQUESTING A VARIANCE TO SECTION 236.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A REAR YARD SETBACK OF 5' INSTEAD OF 30' (A VARIANCE OF 25') SEE REASON FOR VARIANCE
9. LANDSCAPING OF THE SITE WILL BE IN CONFORMANCE WITH THE BALTIMORE CO LANDSCAPE MANUAL
10. TRASH COLLECTION WILL BE BY A PRIVATE COLLECTOR.
11. FLOOR AREA RATIO : (GROSS SITE AREA)
 - A. ALLOWED = 71,670 sq ft (2.0 x 35,835)
 - B. PROPOSED = 0.06: (2,800 + 35,835)

REASON FOR VARIANCE

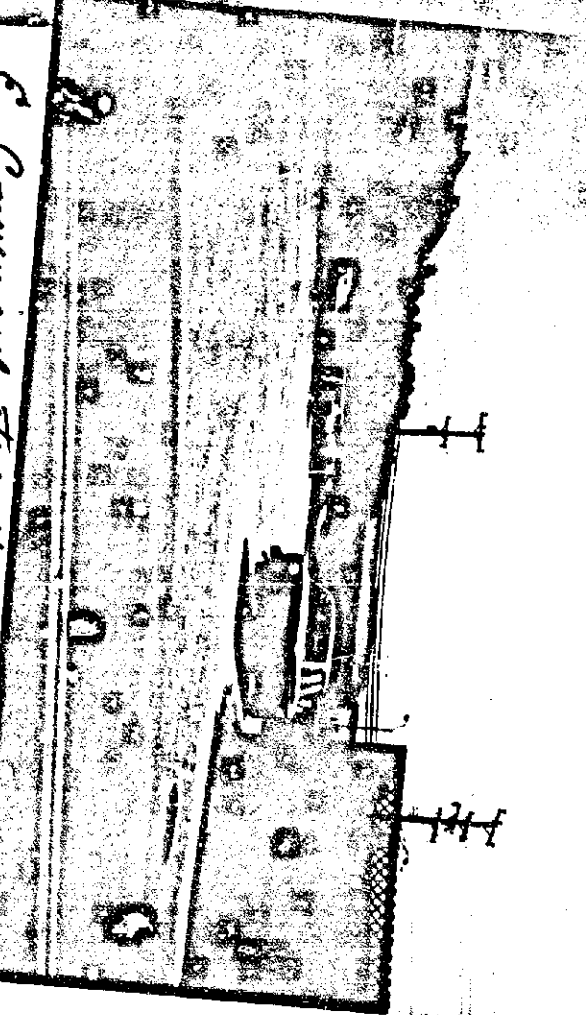
THE PURPOSE OF THE VARIANCE IS TO ALLOW A REAR YARD SETBACK OF 5' INSTEAD OF THE REQUIRED 30' DUE TO THE SIZE AND CONFIGURATION OF THE LOT, THE ADDITIONAL WIDENING OF MIDDLEBOROUGH ROAD AS REQUESTED BY BALTIMORE COUNTY AND ALSO TO OBTAIN THE PROPER NUMBER OF OFF-STREET PARKING SPACES WITH SUFFICIENT MANEUVERING AREA.

Drawing GC Check RUS Design Check	DATE 11/1/86	REVISIONS	KIDDE CONSULTANTS, INC. LAND PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS 1020 CROMWELL BRIDGE ROAD, TOWSON, MARYLAND 21204, 301-321-5500	DEED REFERENCE: E.H.K. JR. 6975/323	ELECTION DISTRICT 5 COUNCILMANIC DIST. 5 GENSUS TRACT 4509 ACCOUNT NO	PLAT. TO ACCOMPANY PETITION FOR YARD VARIANCE NORTHEAST CORNER BACK & VER NECK ROAD & MIDDLEBOROUGH RD	SHEET OF 1	DATE 3/31/86 SCALE 1" = 20'	JOB NUMBER K.G.I. 86-0401
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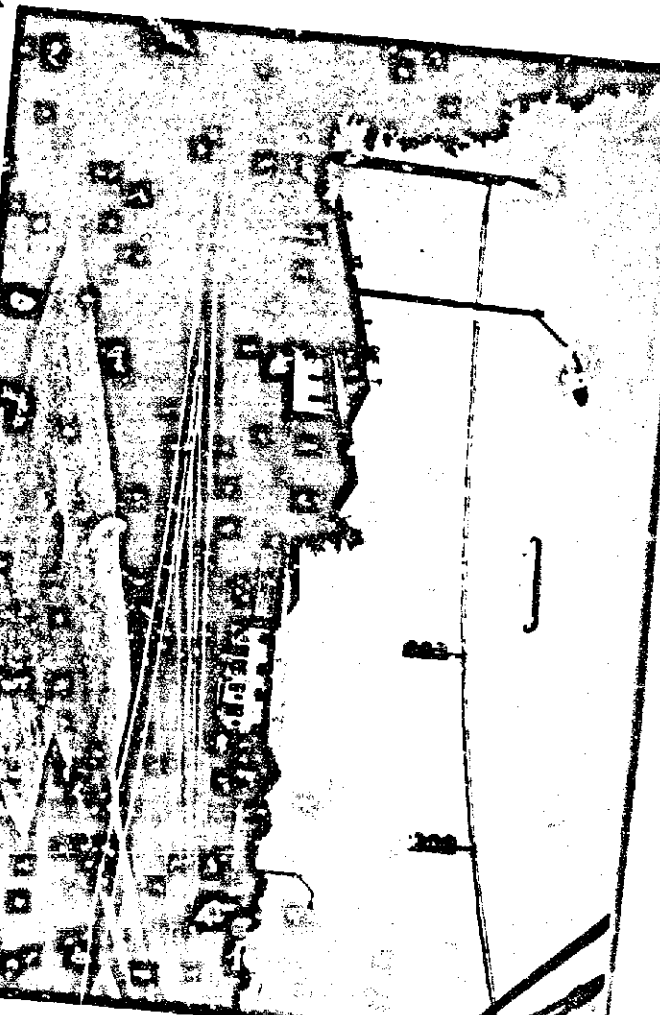
6 SMO of South River Mills and Milldam
Rd. opp. etc.



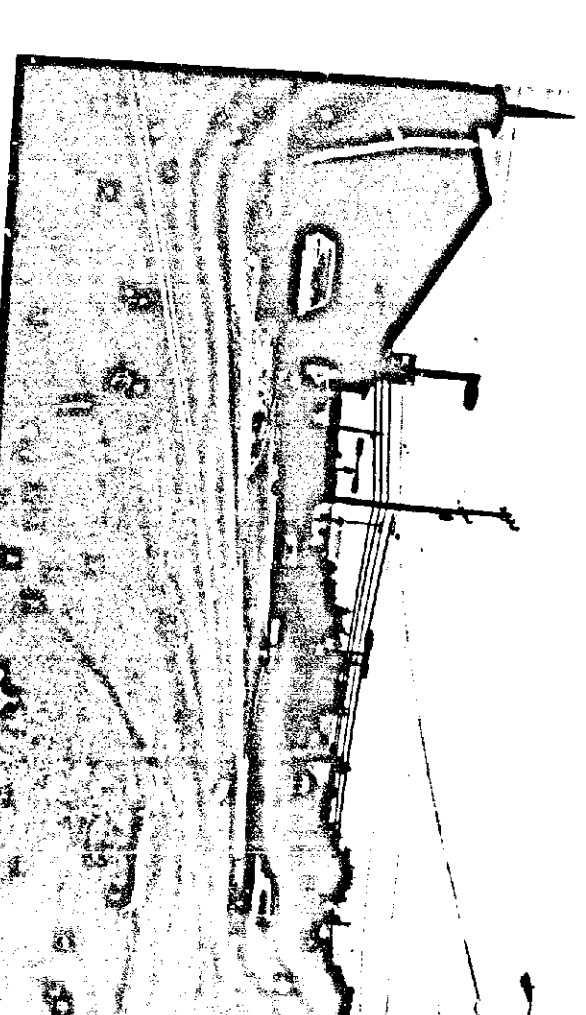
7. Convenience store on 215
Rd. opp. Mill & Rd.



4. 1/2 mile S of South River Mills
Rd. opp. etc.



5. Service station at SE of 1/2 mile
Rd. opp. South River Mills Rd.



PETITIONER'S
EXHIBIT 66

HISTORY of



PETITIONER'S
EXHIBIT 3

THE SMO, INC. FAMILY
Dash in Food Stores
Delmarva Oil
Delmarva Tires
Partco
Southern Maryland Oil
November, 1984

EPILOGUE

Perhaps in the final analysis this "History of SMO, Inc." is a tribute to all who have joined our SMO family through the years and it is, therefore, that this brochure is dedicated to them - for it is their Company and they have taken necessary steps to preserve what is written in the context of these pages. We are confident that they will command what will be added to these pages in the future years.

The Company takes this opportunity to thank all previous employees and to thank all present employees for their continued support.

PROLOGUE

This History of SMO, Inc., has been formulated in the hopes that insight can be gained by all employees that their efforts combined have made the success of our Organization.

SMO, Inc., has been very fortunate in the fact that its people since 1926, have maintained a "united team effort". Our divisions and subsidiaries are the number one Marketers in their respective areas. The people are and should be proud of this fact!

It would be totally impossible to mention all the names of those individuals whose efforts and steadfast convictions have really been the instrument of SMO's success. In the same vein, every item of interest through the years cannot be incorporated in this booklet. We have, however, tried to take those specific events which have had a direct "lasting effect" on the growth, stability and expansion of this organization.

We think you will find after reading this "History" that you are with a "winning" organization - just note the number of "firsts" that your Company was able to attain. These were obtainable only thru its PEOPLE - LIKE YOU! We hope too that for many, memories will be brought back and that you enjoyed being a part of this history in the making for your Company.

J. Blacklock Wills

J. Blacklock Wills
President

THE HISTORY OF SMO, INCORPORATED

Educational Design Associates - a developer, manufacturer and marketer of high quality toys. After attempts at nationwide marketing and unprofitable results, operations were discontinued in 1977.

Two new departments were added to the Company - the creation of the "Management Fee" operations designed specifically for the purpose of marketing motor fuels through a commission plan; and the newly created "Personnel Department", established with the purpose of better fulfilling employees' needs and satisfying government regulations requirements.

SMO, Inc. began this year with the celebration of its 50th anniversary. Our second 50 began with continued optimism.

Saw still another acquisition, that of Dean L. Sharrar of Salisbury, Maryland. Along with the BP brand, this entire operation was merged into the company's present water terminal facilities, also in Salisbury.

With centralized administration and decentralized operating profit centers, the company inaugurated "telecommunication". Through this technology, all principal operating units were provided with instant information that assisted in customer inquiries and day-to-day operations.

Delmarva Tires relocated into all new modern facilities with emphasis on retail merchandising.

It was in the early Spring that our country experienced another severe energy crisis. This time, Americans realized that the problem was real and would be long-lasting. New series of government regulations and interventions followed, thus creating further hardships to our customers and our organization.

The latter part of this year saw a new name, "Dash In" food marts, with the company's entry into convenience store marketing. More are now being developed as this, too, is a Corporate endeavor.

1926 In 1926 two engineers, Jim Wills and Harold Swann, got together and acquired the La Plata Oil and Mechanicsville Oil Companies. Thus began Southern Maryland Oil.

It is interesting to note that the Company handled only three principle products - kerosene (called coal oil), one grade of gasoline and a motor oil called "Texaco Golden". Eight employees were on board during this period of time.

Mr. Wills and Mr. Swann established a pattern that was to follow from its inception until the present time.

1927 With less than one year of experience, land was purchased and the Owings Plant was built. This secured our customers throughout Calvert County and the lower portion of Anne Arundel County. At this time the "Texaco Franchise" was received for the counties of Charles, lower Prince Georges and St. Mary's.

Records indicate there were six trucks in use - one at our Owings facility, two for the Mechanicsville and La Plata Offices and one truck for the Maintenance Department.

Working from eight to five was not heard of - everyone reached the office before "day break" and did not leave until "way past dark". No responsibilities were established, as all employees did whatever was necessary! One day they might drive a truck and the next be in the office!

1936 As the growth of the Company was evident, the name was soon changed to Southern Maryland Oil Company. 1936 marked a milestone for our Company as product was brought in by truck rather than rail at our Owings Plant. This was in 2,000 gallon tanks from Baltimore, Maryland.

During this same year, the La Plata Office expanded as another room was added. This addition certainly helped, but records indicate that "an old pot-belly stove" was still in use! It was at this location that motor oil began to be distributed. Most

These objectives included a new marketing approach and new area of expansion and development. As a result of this, our newest corporation, EFG, Inc. was developed for marketing motor fuels in new markets.

Shortly before this meeting, the company acquired the assets of Pete White Oil Company. This acquisition was merged into the existing Delmarva operation in Salisbury and Berlin, Maryland. Along with this merger, a new water terminal was developed with storage at some two million gallons.

The Stockholders Meeting in July of 1972 brought a name change to our Corporation, as Southern Maryland Oil, Inc. was officially changed to SMO, Incorporated. Dennis - Delmarva Oil and Southern Maryland Tires, Inc. are now subsidiaries of SMO, Inc. Partco and Southern Maryland Oil continue to be divisions of SMO, Inc.

In September 1972, our Data Processing Department incorporated all data and reporting. Because of our growth and anticipated growth, the Series III will bring on the capabilities of supplying Managerial Personnel with detailed reports in the future. This is the "real pulse" of SMO, Inc.

During the year, the company introduced for the employees Long Term Disability Insurance as another benefit.

With the purchase of Pete White and merging the operation into our Delmarva operation, we began to use "Circo" branded fuel for the entire Eastern Shore operation.

Foreseeing some drastic and imminent changes taking place within our industry toward modern marketing techniques, SMO developed the first full branded self-service station in the state of Maryland! This is our Forest Drive location in Annapolis, Maryland. Because of its popularity, many more have since been developed.

Also, in keeping with the trend of investment for station locations and providing economical operation of same, the

In 1942 rationing of products was a real threat to our industry. However, SMO secured Government "contracts" which were a real key in obtaining volume. During the war years, the "contract business" is what kept the Company going!

1943 1943 marked the purchasing of transport equipment from Paul Robinson, then Hauler. This gave us our own complete flexibility. With the abandonment of the old ferry boat and the opening of the Potomac River Bridge, U. S. Route 301 became a main "arterial" highway. This brought about a great increase in transit traffic heading both north and south. Not only was the increased traffic beneficial, but SMO was again the principle fuel supplier for the construction of the bridge and the roads leading to it.

During this period our TBA business, although not previously mentioned, was running into difficulties - Firestone tires were rationed as the supply was very tight - they were very difficult to obtain for our trucks. Our first dealings with tires were actually begun in 1938 with the Seiberling Tire Company. This business was handled through the La Plata Plant location.

1946 In November 1946 the President was authorized by the Board of Directors to use his own discretion to make loans for the procuring of potential service station sites. Would you believe the allocation for this was not to exceed \$3,000! The first such property was purchased in Lexington Park, Maryland known as Cato's Texaco. This property was purchased at a price of \$1.00 per foot.

As the growth of the company was accelerated, it was converted from a partnership to a corporation. The name was changed from Southern Maryland Oil Company to Southern Maryland Oil Company, Inc.

1947 In 1947 the new La Plata Plant and warehouse facilities were completed (present operation today) - during this same year increased storage facilities were made available here.

We note in the minutes of the Corporation on July 11, 1947 it:

January 12, 1966 Southern Maryland Oil, Inc., celebrated its 40th anniversary. This event was well publicized and established our image as a "long established - well founded organization." This same year the installation of an IBM - Data Processing System took place to further enhance our centralization programs of accounts receivable and other administrative details.

1968 Three years of prosperous growth, our Partco business had "growing pains" and a new location was chosen for this business in the old IGA Building in Waldorf, Maryland. This building was remodeled and in 1968, this became Partco's permanent home. This same year, Southern Maryland Oil, Inc., purchased two more automotive businesses, namely Beltway and Hillandale. January 30, 1968 the Company was again saddened as we lost our Chairman of the Board, Mrs. Julia W. Lorimer. The loss of her wisdom, strong character, and the charm of a "perfect lady" was felt by all who knew her. Mrs. Lorimer's "special touch" added immensely to the Company's growth during her tenure in this position.

1969 1969 marked another growth year and our facilities were extended to the Eastern Shore with the purchase of F. L. Godman Oil in Crisfield, Maryland and Dennis Oil Service in Salisbury and Berlin, Maryland.

The purchase of the F. L. Godman company marked the Company's first venture into the coal business. Coal was sold by the ton, bushel and the bag. This product has since been deleted. These plants are located within the counties of Wicomico, Worcester and Somerset.

The operations of Hillandale, Roadway, and Beltway were set up as another subsidiary corporation under the "banner" of Autopac, Inc. As one might expect, with all the growth and prosperity, the day "arrived" when our first operation became non-profitable. Autopac, Inc., was sold during this year. However, Partco operation still remains as one of the largest parts stores in the Southern Maryland area.

1951 The beginning of "automation" took place within the Company! After an extensive survey of bookkeeping machines, the first Remington Rand Machine was purchased - through the years Burroughs and IBM machines have been purchased.

1953 The leaders of the Company, realizing the growth and thereby an increase in employees, announced a Profit Sharing Plan, which became effective December 11, 1953. Southern Maryland Oil, Inc. was the first company in the State of Maryland to incorporate such a program, whereby the employees received, thru a deferred plan, a portion of the profits at year-end for retirement purposes.

It was remembered that this announcement was made at the Annual Christmas Party. It came as a "real surprise" to the employees and their families. The Plan was handled by "Trustees", which were selected Company personnel, as well as an Attorney. All the investment decisions, etc., were made by them. As the employees increased in number and the Company continued to expand, it was felt it would be in the best interest of everyone if this Plan would be turned over to a "financial firm" with professional investors making the decisions, etc., for the most return on this money.

1954 In May of 1954, an analysis was worked up showing the percentage distribution of the volume of gasoline business. Eighteen service stations accounted for 40% of the gasoline output. This confirmed the wisdom of our policy of building modern stations in strategic locations which had been in effect for several years. At the time, Lund Station had recently opened in Bryans Road, Maryland. It was decided to relocate and develop a new Mechanicsville Bulk Plant and Office. It was interesting to note that the opening day of this office, "Hurricane Hazel" swept through our State. For those of you who don't remember - this was one of the worst hurricanes to hit in our vicinity - much property and many lives were lost.

- 1960 Effects of the 1973 and '79 - '80 energy crisis were now realized by all Americans. Energy conservation was fully recognized as a long term endeavor, and its effects on demand of petroleum products as well as all energy fuels would be significant. Petroleum products were no longer in a growth phase but became one of being in a very mature to declining state.
- 1981 The company announced and began telemarketing operations for enhancing its heating oil customer base. Another first for heating oil marketers in Maryland.
- 1982 On January 20, of this year by Federal action the petroleum industry was decontrolled after a decade of regulatory controls. With this the free market system began to return, bringing with it significant industry transitions. It was evident that the '80's were destined to become a period of "survival of the fittest". Our company had prepared well and because of its people and financial condition were well postured to pursue the opportunities created by this change.
- 1983 Corporate organizational changes were announced creating four divisional profit center operations by key product lines. These actions were taken to implement new and more aggressive development goals. This announcement was actively embraced by the people of the company.

As we proceed into the '80's, we accept the challenges of these new times. Public demands and changes are only emphasizing the reasons why we exist - "to fulfill a public need". We shall keep in tune with these needs and continue to grow and prosper all for the benefit of the public, our customers, employees, shareholders and the community

states that "despite rumors of a fuel oil shortage next winter, well informed sources of information indicate an adequate supply in this area; therefore the policy of the Corporation will be to accept new accounts." This really rung a bell when we entered 1973 as the same situation was prevalent!

- 1948 The original Owings Plant was remodeled and storage tanks were relocated. During March of this year, long-range plans and policy for securing service station sites were outlined. These locations were to be purchased and held until such time as it seemed advantageous for station development. At this point, it would be rented or turned over to operators. Special emphasis was placed on securing such locations on thru-traffic routes and area of year-round traffic.

In October of 1948, we were all saddened by the loss of one of our founders, Harold S. Swann. At the time he served in the capacity of Vice President and Treasurer. His death was a tremendous loss to everyone connected with our organization.

- 1949 1949 was the year that our service station program really got underway. It should be noted here that, without a doubt, the unique way our Company was able to handle the financing and the holding of the mortgages for the Mortgagee, was to the benefit of the Company as well as the Retailer. This further showed the sound "financial" stability of our Company. Thus began a trend never to be stopped!

- 1950 1950 began a year in which many major decisions had to be made as the Korean War imposed such problems as possible rationing, transportation difficulties, taxes, etc. Through the wisdom of our Management, the Company continued to be on top of things and to make the right decisions.

During this year also, the President, Mr. Wills, presented a proposal to increase coverage in the Hospitalization Plan for increased medical services, etc. These benefits have continually improved and today remain very competitive with all other companies of our type and size.

- 1970 1970 was entered into "as the beginning of ten of the fastest growth years in our Company's history". Growth was enjoyed in our marketing area of northern Prince Georges County and Anne Arundel County — now this was being expanded into Charles and Calvert Counties.

The 70's were the beginning of what appeared to be an era of regulations and consumer protections, which brought about more stringent rules on the petroleum industry. It was again at this time when the Company re-evaluated its position, defining new goals and long-term objectives.

To this degree, a rehabilitation of the service stations was begun. Early part of 1970 marketing gasoline through "car washes" was pursued. By the end of 1971, three new service stations and three car washes were put on stream — with a promise of a very bright future along this line.

- 1971 March of 1971, Delmarva Tires was created and began operating on the Eastern Shore. Sales expectations exceeded our targets and this operation became very profitable.

Acquisitions continued to let Southern Maryland Oil, Inc., grow on the Eastern Shore as in July of 1971 Timmons Oil Company was purchased. Upon this acquisition, we entered into new ventures in the State of Delaware!

The following month in August, McNew Brothers Oil was purchased by Southern Maryland Oil, Inc., in Annapolis, Maryland. This entire operation was merged into our Annapolis Plant.

In September of 1971, Southern Maryland Tires in Waldorf, Maryland was updated with all new designs and retreading equipment. Larger facilities were constructed affording not only improved office and warehouse areas, but a new service — that of fleet and commercial tire mounting, balance, and alignment.

- 1972 At the beginning of 1972, the Company held a most significant Organization Meeting, announcing new management techniques, philosophies and for the first time, Company objectives were outlined to its people.

noteworthy is the fact that our Company was the first such organization to purchase motor oil in "quart cans" — Texaco Havoline.

Motor Oil generated the Company's first Dealer meeting — for the specific purpose of introducing this product. Because of supply, only a few companies were handling this product — SMO was one!

- 1937 With the invention of the gun type burner, fuel oil came into its own, creating an ever increasing market for home heating. It was during this year that the Company began deliveries on an automatic basis. Automatic at this time meant deliveries of once a week or once every two weeks. This, by the way, was the first such automatic service available to customers in the Southern Maryland area.

- 1940 1940 brought many changes as we acquired our first computing (electric) pump. It was at this time that we built the Indian Head Plant thus developing and expanding our heating oil territory. The Company held its first Christmas Party. Here too, we should note that during these years many Company benefits were implemented. First was the vacation plan, followed by a sick leave program, as well as a Christmas Bonus. It is interesting to note that the Christmas Bonus was an amount of \$25.00. This was a set amount; today this is based on the number of months/years with our Organization.

- 1941 1941 was the beginning of the "war" years and the decline of many businesses. Again, due to the ability of the owners and their foresight, the pattern of growth was continued.

- 1942 In March of 1942 the construction of the Patuxent Naval Air Station began. Not only was SMO the first principle fuel supplier, but because of the activity in this market, homes began to be built and our one full-time salesman solicited fuel oil accounts on a door-to-door basis. Southern Maryland Oil again was the first Company to serve a "housing development".

Company developed pumper type locations — that is service stations without bays!

- 1973 It was in this year that we began to foresee a fuel shortage. As a result of this, greater efforts were placed in areas of efficiency and cost controls. It was also during this period that additional expenses were brought about by enactment of new governmental regulations, specifically in areas of safety and environmental matters. The realization of the fuel crises became acute in the following year and brought about even further new regulations regarding allocations, price control and distribution of products. The result of all of this, unfortunately, created a damaging effect to the petroleum industry.

It was during this year that the Company was petitioned by the National Labor Relations Board for a union election. This effort failed. However, it brought out the importance of the need for the Company to communicate with all of its people knowledge of Company activities, endeavors, and of what is taking place. We feel that the employees' continued confidence in the Company has proven beneficial to both the employees and the Company.

- 1974 Acquisitions were made of the C. K. Duncan — Citgo operation in Pocomoke, Maryland and of Sussex-Atlantic Oil Company in Georgetown, Delaware. Both of these were merged into Delmarva Oil, Inc. To satisfy the needs of our many customers, increased storage facilities were added at our SMO plant operations. The Company's new pension plan was announced and inaugurated at the employees' summer picnic. This provided our employees with both a pension plan and a profit sharing plan for their benefit at retirement.

- 1975 This year began with the acquisition of the BP — La Plata Oil Company operations. This was followed by the purchase of Quality Oil, U. S. Oil, and Oil Holdings, Inc. The latter companies being merged into Delmarva Oil, Inc.

In March of this year, the Company chose to diversify its operations and entered into the educational toy business by acquiring

- 1955 Southern Maryland Oil, Inc., obtained another first for the area by inaugurating an oil burner service department. With two-way radio communication, this service was made available to our customers. It has been a vital force in back of our Heating Oil Division's success.

This was also the same year we purchased Kroll Petroleum Company, which gave us entry into Prince Georges County's heating oil market. This is now known as our Clinton Plant.

- 1956 The La Plata Office was remodeled again — the side was added where the ladies work today.

- 1957 The years of 1957 — 1962 were both tragic and prosperous. Tragic in the sense that we suffered the striking blow when our President, James W. Wills, lost his life in an automobile accident. However, a tribute to him was the fact that the Company continued to prosper and made the first venture into the automotive parts business.

- 1958 The following year in 1958, the Proutt Oil Company was acquired thus providing the Company with additional heating oil markets in Anne Arundel County. This location is now known as our Gambrials Plant. To inject a bit of humor — we understood that the purchase of this property "all took place over a bottle" — we won't say what was in the bottle, but we will say this proved to be a very profitable deal; the amount of purchase was \$5,000! We also note that for better or worse, present day "deals" and negotiations have become quite "sophisticated" taking many days and much time and effort to consummate!

- 1960 With the success of the parts business, the Department expanded and began marketing its items and supplies thru a "pie-wagon" type concept. In 1960 a new wing was added to the La Plata Plant for this parts business.

During this year, the first Lockheed Meters were installed on Company trucks. Shortly after this, a totally new building was added to our La Plata Plant — relocating our Maintenance Department and again our parts business.

- 1963 With having developed the success of the parts business, the Company further became diversified and entered into the tire re-treading business. This too became extremely successful and an all new modern retread plant warehouse was developed in the present location in Waldorf, Maryland. This was under the banner of Southern Maryland Tires, Inc. Because of its growth, many additions have been made to this facility, the first being in 1963. In 1963 the Company again expanded its automotive business and acquired Brandywine Automotive Parts. Merging this with our present operation, this now became a full line automotive parts house.

Also in this year, emphasis was still maintained on our petroleum business and our Bryans Road Plant was developed. This plant was our first unmanned key operation.

On May 10, 1963, "Open House" was held for the completion of the "Main Office" building on U. S. Route 301. Centralization of our accounting and administrative programs were realized at this time.

- 1964 Our Company again was the first in the State of Maryland as we entered into an agreement and began the development of the area's first central oil system. This first system was known as Cedarville Trailer Park.

The second such installation was Wayson's Trailer Park in June of 1965. We have since added many more locations to this list.

In November 1964, the Company again expanded its territory by receiving the franchise for Texaco products in the Annapolis Marketing area.

- 1965 Construction began for our new modern Annapolis Bulk Plant located at Bestgate Drive.

- 1966 In 1966, the contemplation of a heating installation business became a reality. Southern Maryland Oil, Inc., scored another first as the Installation Department was created for rendering the service of installation of hot water heaters, central air conditioning, furnaces, etc.